

## CRIMINAL REVISION.

Before Mr. Justice Batchelor and Mr. Justice Shah.

EMPEROR

v.

BAL GANGADHAR TILAK.\*

1916

November 9

*Criminal Procedure Code (Act V of 1898), Sec. 108—Seditious matter, dissemination of—Oral speeches—Indian Penal Code (Act XLV of 1860), Sec. 124 A—Advocacy of Home Rule or Swarajya—Speeches should be read as a whole—Effect of the speeches on the audience should be taken into account.*

In delivering oral speeches in Marathi on *swarajya* or Home Rule for India to audiences at Belgaum and Ahmednagar, the speaker owned, first of all, allegiance to His Majesty the King-Emperor and the British Parliament and subjected to criticism the present system of administration as represented by the Indian Civil Service. Among the points specifically made out by him were that in British India British Officials were paid too highly; that the Indians, though they were free to discuss, had no effective control over finance or policy; that the present officials being in fact alien by race, though able and industrious men, did not really understand the needs of the people. At the same time, the speaker complained that the Indians were kept in a position of slavery or servitude; and that the Government, as an alien Government, looked mainly to its own interest. He was, for making the speeches, directed to be bound over for a period of one year under s. 108 of the Criminal Procedure Code. On application to the High Court:—

*Held*, by *Batchelor J.*, (1) that the speeches taken as a whole were fair political criticism, not obnoxious to s. 124 A of the Indian Penal Code;

(2) that the general drift of the speaker showed that not only was there nothing illegal in his speeches, but there was a distinct pleading that the political changes advocated should be obtained by lawful and constitutional means;

(3) that, in contending for what the speaker described as *swarajya*, his object was to obtain for Indians an increased and gradually increasing share of political authority and to subject the administration of the country to the control of the people or peoples of India—the advocacy of which was not *per se* an infringement of the law.

*Held*, by *Shah J.*, (1) that inasmuch as the avowed object of the speaker was to create a public opinion in favour of Home Rule for India, and to induce the hearers to join the Home Rule League, and as he did not advocate for the achievement of his object by any means other than strictly constitutional means, in determining the general effect of the speeches care should be taken not to attach undue importance to the objectionable passages;

(2) that the matter disseminated by the speaker was not seditious within the meaning of s. 108, cl. (a), Criminal Procedure Code, because the natural and probable effect of the speeches taken as a whole on the minds of those to whom they were addressed was not to bring into hatred or contempt, or to excite dissatisfaction towards the Government established by law in British India;

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(3) that it was essential under s. 108, cl. (a), of the Criminal Procedure Code, that the matter disseminated must be shown to be seditious.

*Sital Prasad v. Emperor* (1), not followed.

*Per Batchelor J.*—"To a charge of exciting disaffection towards the Government established by law in British India a profession, however sincere, of loyalty to His Majesty and the British Parliament is no answer."

"The Government established by law acts through human agency, and admittedly the Civil Service is its principal agency for the administration of the country in times of peace. Therefore when you criticise the Civil Service *en bloc*, the question whether you excite dissatisfaction against the Government or not seems to be a pure question of fact. You do so if the natural effect of your words, infusing hatred of the Civil Service, is also to infuse hatred or contempt of the established Government whose accredited agent the Civil Service is. You avoid doing so if, preferring appropriate language of moderation, you use words which do not naturally excite such hatred of Government. It is a mere question of fact."

"The speeches must be read as a whole. A fair construction must be put upon them, straining nothing either for the Crown or for the applicant, and paying more attention to the whole general effect than to any isolated words or passages."

*Per Shah J.*—"The expression "Government established by law in British India" means the various Governments constituted by the Statutes relating to the Government of India now consolidated into the Government of India Act (5 & 6 Geo. V, c. 61) and denotes the person or persons authorised by law to administer Executive Government in any part of British India.

"The feelings, which it is the object of s. 124 A to prohibit, may be excited towards the Government in a variety of ways. It is possible to excite such feelings towards the Government by an unfair condemnation of any of its services. Whether in a particular case the condemnation of any service is sufficient to excite any feeling of hatred or contempt or disaffection towards Government by law established in British India, must depend upon the nature of the criticism, the position of the service in the administration and all the other circumstances of the case. It would be a question of fact to be determined in each case with reference to its circumstances.

"The intention of a speaker in delivering his speeches must be gathered primarily from the language used. If, on reading the speeches, the reasonable and natural and probable effect of the speeches on the minds of those to whom they were addressed, appears to be that feelings of hatred, contempt or disaffection would be excited towards the Government, the offence is committed."

"The speeches must be read as a whole in a fair, free and liberal spirit. In dealing with them one should not pause upon an objectionable sentence here or a strong word there. They should be dealt with in a spirit of freedom and not viewed with an eye of narrow criticism. The case should be viewed in a free, bold, manly and generous spirit towards the speaker."

THE applicant delivered three speeches, one on the 1st May 1916 at Belgaum and two on the 31st May and 1st June 1916 at Ahmednagar on the subject of *swarajya* or Home Rule for India. The object of the speeches was to defend and explain Home

Rule, and point out the best way of obtaining it; and also to exhort people to become members of the Home Rule League. The speeches in question were as follows:—

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*Lecture of 1st May 1916.*

When I was requested to give a lecture here to-day, I did not know on what to lecture. I do not stand before you to-day after having made any preparation for any particular subject. I had come for the conference. Thinking that it would not be improper if I were to say a few words to you about those subjects which were discussed during the past two or four days and about the object with which a Home Rule League was established here before the Congress, I have selected that subject for to-day's lecture.

What is *swarājya*? Many have a misconception about this. Some do not understand this thing. Some understanding it, misrepresent it. Some do not want it. Thus there are many kinds of them. Therefore I am not prepared to-day to make any particular discussion of any sort beyond saying a few general words on the following among other points: What is *swarājya*? Why do we ask for it? Are we fit for it or not? In what manner must we make this demand for *swarājya* of those of whom we have to make it? In what direction and on what lines are we to carry on the work which we have to carry on? It is not the case that these general words which I am going to say are the outcome of my effort and exertion alone. The idea of *swarājya* is an old one. Of course, when *swarājya* is spoken of (it shows that) there is some kind of rule opposed to *swa* (*i. e.*, our), and (that) this idea originates at that time. This is plain. When such a condition arrives, it begins to be thought that there should be *swarājya*, and men make exertions for that purpose. You are at present in that sort of condition. Those who are ruling over you do not belong to your religion, race or even country. The question whether this rule of the English Government is good or bad is different. The question about 'one's own' and 'alien' is different. Do not make a confusion of the two at the outset. When the question 'alien or one's own' comes, we must say 'alien.' When the question 'good or bad' comes, say 'good' or say 'bad'. If (you) say 'bad,' then what improvement must be made in it?—this question is different. If (you) say 'good,' it must be seen what good things are under it which were not under the former rule. These are different points of view. Hence, the reason why the demand for *swarājya* first arose is that... Formerly there were many kingdoms in our India—in some places there was Muhammadan (rule), in some places there was Rajput (rule), in some places there was Hindu (rule) and in some places there was Maratha (rule)—were these *swarājyas* good or bad? I again remind you that this is a different question. We shall consider it afterwards. All those being broken up, the universal sovereignty of the English Government has been established in India. To-day we have not

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to consider the history of their downfall. We have also not to consider how they fell. Nor am I going to speak about it. But the present system of administration is such that some able men who have been educated in England and have received college education come to India and the State administration of India is carried on through them. 'Emperor' is (merely) a name. When you give a visible form to the sentiment which arises in your mind at the mention of (the word) *raja* (i. e., king), there is the present Emperor. This sentiment is invisible. When a visible form is given to this invisible (something), there is the King—the Emperor. But the Emperor does not carry on the administration. The question of *swarājya* is not about the Emperor nor about this invisible sentiment. This must be remembered at the outset. Let there be any country, it must have a king, it must have some man to carry on its management and there must be exercised some sort of rule in it. The case of anarchical nations is different. These nations never rise. As in a house there must be some one to look to its management—when there is no man belonging to the house an outsider is brought in as a trustee—just so is the case also of a kingdom. In every country there is a certain body for carrying on its administration and there is some (sort of) arrangement. An analysis must be made of both these things, viz., of this arrangement and this body and, as stated yesterday by the President (the President of the Provincial Conference), of the sentiment of 'king.' There must be a king, there must be State administration. Both these propositions are true from the historical point of view. Of a country where there is no order, where there is no king, that is, where there is no supervising body, the *Māhābhārat* says: 'A wise man should not live even for a moment at that place. There is no knowing when, at that place our lives may be destroyed, when our wealth may be stolen, when our house may be dacoited, nay, set on fire.' There must be a government. I will not say at length what there was in the *Kritayug* in ancient times. The people of that time did not require a king. Every one used to carry on dealings only after seeing in what mutual good lay. Our Purans say that there was once a condition when there was no king. But if we consider whether such a state existed in historical times it will appear that such a condition did not exist in historical times. There must be some controller or other. That control cannot be exercised every time by all people assembling together at one place. Hence, sovereign authority is always divided into two parts: one the advisory body, and the other the executive body. The question about *swarājya* which has now arisen in India is not about the said invisible sentiment. This question is not about those who are to rule over us, (and) according to whose leadership, by whose order and under whose guidance that rule is to be exercised. It is an undisputed fact that we should secure our own good under the rule of the English people themselves, under the

supervision of the English nation, with the help of the English nation, through their sympathy, through their anxious care and through those high sentiments which they possess. And I have to say nothing about this (cheers). This is the first thing. Do not create confusion in your minds by confounding both the things. These two things are quite distinct. What we have to do we must do with the help of some one or other, since to-day we are in such a helpless condition. It is an undoubted fact that we must secure our good under their protection. Had it not been so, your independence would never have gone. Hence if we take for granted that we have to bring about the dawn of our good fortune with the help of the English Government and the British Empire, then the one more strange thing which some people see (lit. think) in this will altogether disappear. To speak in other words, there is no sedition in this. If then without the help of the English Government—if the words 'invisible English Government' be used for the words 'English Government,' there will be no mistake—if with the help of this invisible English Government, with the aid of this invisible English Government, you are to bring about the dawn of your good fortune, then, what is it that you ask? This second question arises. The answer to it, again, lies in the very distinction of which I spoke to you. Though a Government may be invisible, still when it begins to become visible, the management of that kingdom is carried on by its hands and by its actions. This state of being visible is different from invisible Government. If you ask how, (I say) in the same manner as the great *Brahma* is different from *Maya*. I have taken the words visible and invisible from *Vedanta* (philosophy). The great *Brahma* which is without attributes and form is different and the visible form which it assumes when it begins to come under the temptation of *Maya*, is different. Hence these dealings which are due to *Maya* are sure to change. What is the characteristic of *Maya*? (It is) to change every moment. One Government will remain (*viz.*) invisible Government; and the visible Government changes every moment. The word *swarājya* which has now arisen relates to visible Government. Maintaining the invisible Government as one, what change, if effected, in the momentarily changing visible Government, would be beneficial to our nation? This is the question of *swarājya*. And this being called the question of *swarājya*, there arises the question 'In whose hands should be that sort of administration which is now carried on in our India?' We do not wish to change the invisible Government—English Government. We say that (the administration) should not be in the hands of a visible entity by whose hands this invisible Government is getting works done, but should pass into some other's hands. The *swarājya* agitation which is now carried on is carried on in the belief that this administration if carried on by some other hands (or) with the help of some one else, (or) by some other

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visible form would be (more) beneficial to the people than when carried on by those by whose hands it is carried on. If another instance is to be given, it can be said that there is an Emperor in England. An English Act contains the rule that king commits no wrong. The king never commits a wrong (lit. offence). For, his authority is limited in such a manner that (only) when a certain minister goes and tells something to him then he knows it. The Prime Minister does acts on his own responsibility. There may be a good many (people) here who have studied English history. It is not the case that this is not so. This is the chief principle in it. This principle having arisen in English history, (the number of) sedition cases began to fall. While here, these (people) begin to institute cases of sedition. Those who carry on the administration are different and the king is different. The king is one and the same. But the ministry changes every five years. At that time no one says that it would be sedition if any one were to start any discussion advocating change of ministry. These are the things happening every day before the eyes of the English people. The king's circle (of ministers) went (out of office) after five years, went (out of office) after two years; they may quarrel among themselves as much as they like. What is that to the king? He is the great *Brahma* without attributes. He is not affected by this. The *swarājya* agitation now existing in India is then, about change in such a ministry. Who rules in India? Does the Emperor come and do it? He is to be taken in procession like a god on a great occasion, we are to manifest our loyalty towards him, this alone is their duty. Through whom, then is the administration carried on? It is carried on through those who are now servants (*viz.*) the State Secretary, Viceroy, Governor, below him the Collector, the Patil and lastly the police sepoy. If it be said that one Police sepoy should be transferred and another Police sepoy should be given, would that constitute sedition? If it be said that the Collector who has come is not wanted and that another is wanted, would that constitute sedition? If it be said that one Governor is not wanted, another Governor should be brought, would that constitute sedition? If it be said 'This State Secretary is not wanted, bring another' would that constitute sedition? Nobody has called this sedition. The same principle which is applicable to a Police sepoy is also applicable to the State Secretary. We are the subjects of the same king whose minister the State Secretary is and whose servant he is. This then being so, if any one were to say, 'The State Secretary is not wanted, this Viceroy is not wanted, Fuller Saheb is not wanted in Bengal, such resolutions have often been passed in the case of Governors, not in the present but in the past times,' and were to give reasons for that, you would say about him that his head must have been turned, (and that) the reasons he gives are not good or sufficient. But from the historical point of view it does not follow that when he says so that constitutes sedition

(cheers). Our demand belongs to the second class. It is concerned with *swarājya*. Consider well what I say. If you think that the present administration is carried on well then I have nothing to say. In the congresses and conferences that are now held you come and say 'Our Kulkarni Vatan has been taken (away), zulum has been exercised upon us in connection with the Forest Department, liquor (drinking) has spread more in connection with the Abkari (Department), also we do not receive that sort of education which we ought to get'. What is the root of all this? What is the benefit of merely saying this? Why do you not get education? Why are shops of the Abkari Department opened where we do not want them? In the Forest Department, laws about reserved forests and about forests of this sort or of that sort are made. Why were they made? At present, lists upon lists about this come before the Congress. Why was your jury abolished against your will? Why was no college opened in the Karnatic up to this time? All these questions are of such a kind that there is but one answer to them. At present our thoughts run this way, is there no College?—make petition to the Collector or to the Governor, because they have power in their hands. If this power had come into your hands, if you had been the officials in their places or if their authority had been responsible to the public opinion, these things would not have happened. No other answer than this can be given to the above. These (things) happen because there is no authority in your hands. The authority to decide these matters is not given to you for whose good this whole arrangement is to be made. Hence what we may have to ask becomes like (that asked by) a little child. It cries when it is hungry. It cannot say that it is hungry. Then the mother has to find out whether it may be hungry or have a bellyache. Sometimes the remedies used prove to be out of place. Such has become our condition at present. In the first place you do not at all know what you want (and) where lies your difficulty. When you came to know it, you began to speak with your mouth. But you have no power in your hands to cause (things) to be done according to your words. Such being the condition, what has happened now? Whatever you have to do, whatever you want—if you want to dig a well in your house—make a petition to the Collector. If you want to kill a tiger in the forest make a petition to the Collector. Grass is not obtained, bundles (of wood) are not obtained from the forest, permission to cut grass is required—petition the Collector. That is to say, all this has become like (the case of a) helpless man. We do not want this arrangement. We want some better arrangement than this. That is *swarājya*, that is Home Rule. In the beginning these questions do not arise. As when a boy is young he knows nothing, when he grows up he begins to know these things, and then begins to think that it would be very good if the household management were made at least to some extent

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according to his opinion, just so it is with a nation. When (lit. as) it is able to consider this thing, when it acquires the capacity of considering (this thing) then this question is likely to arise. But now the condition here has become such that we had better give up the above thought, let us give up the thought about the invisible Government, let us come within the limits of the visible Government, (we then see that) the people who make this arrangement, who carry on this administration, are appointed in England according to a certain rule and law, and rules are made within the limits of those laws as to what should be their policy. These rules may be good or bad. They may be good, they may be quite well-arranged and methodical. I do not say that they are not. But however good may be the arrangement made by (other) people, still it is not the case that he who wants to have the power to make this arrangement always approves of this. This is the principle of *swarājya*. If you got the powers to select your Collector, it cannot be said with certainty that he would do any more work than the present Collector. Perhaps he may not do. He may even do it badly. I admit this. But the difference between these and those is this: this one is selected by us, he is our man, he sees how (lit. in what direction) we may remain pleased; while the other thinks thus: 'what we think to be good must appear so to others. What (is there with respect to which) we should listen to others? I am so much educated, I get so much pay, I possess so much ability—why should I do anything which would be harmful to others? The only answer is 'Because (you) have such conceit'. (Laughter.) There is one way, there is no rule about it. He whose belly is pinched has no experience about it. This is the only cause of it, there is no other cause. Hence if you minutely consider the various complaints which have arisen in our country (it will appear that) the system which is subsisting now is not wanted by us. Not that we do not want the king, nor that we do not want the English Government, nor that we do not want the Emperor. We want a particular sort of change in the system according to which this administration is carried on, and I for one do not think that if that change were made there would arise any danger to the English rule (lit. kingdom). But there is reason (lit. room) to think that some people whose spectacles are different from ours may see it, because they say so (cheers). Hence the minds of many people are now directed to the question as to what change should be effected in the system according to which the rule of the English Government is exercised in the above manner. We make minor demands, *viz.*, remove the (liquor) shop in a certain village named Ghodegaon; they would say it should not be removed. Done. (If it is said) reduce the salt tax, they say, we look to the amount of revenue derived from salt duty. If this tax is reduced, how should it be managed there? But he who has to make the arrange-

ment has to do these things. When I ask for the authority to manage my household affairs, I do not say, give me the income which you obtain, and do not spend (it). We ourselves have to make the expenditure, and we too have to collect money: this is the sort of double (lit. united) responsibility which we want. Then we shall see what we have to do. Such is the dispute at present. Other bureaucrats who come say, act according to our wishes; we say, act according to our wishes so that all (our) grievances will be removed. We know that sometimes a boy obstinately asks for a cap of 25 rupees from his father. Had he been in his father's place it is very doubtful whether he would have paid 25 rupees for the cap or not. The father refuses, but he (the boy) is grieved at the time. And why is he grieved at it? Because he does not understand (the thing): because the management is not in his hands. Hence the introduction of such an administration is beneficial to India. We want this thing to-day. When this one thing is got, the remaining things come into our possession of themselves. This is the one root of the thousands of things which we are asking for. When we get this key into our hands, we can open not only one but 5 or 10 doors at once. Such is the present question. It is in order that the attention of all may be directed to this question that this Home Rule League was established here the other day. Some will be grieved at it; I do not deny it. Every one is grieved. It was said here some time back that when a boy is a minor, the father when dying appoints a *panch*. The *panch* when appointed supervises the whole of the estate. Some benefit is also derived from this (arrangement). This is not denied. Afterwards when this boy begins to become a little grown up, he sees that there is something wrong in this. I must acquire the right of management, then I shall carry on better management than this. He is confident of this. Not that he actually carries on the management in that manner. Perhaps, if he be a prodigal, he may squander away his father's money. But he thinks as above. In order to avoid any opposition between these two, the law lays down the limitation that (on the boy's) completing 21 years (of his age), the trustee should cease his supervision and give it into the boy's possession. This thing which belongs to practical life applies also to the nation. When the people in the nation become educated and begin to know how they should manage their affairs, it is quite natural for them that they themselves should manage the affairs which are managed for them by others. But the amusing thing in this history or politics is that the above law about 21 years has no existence in politics. Though we may perhaps somehow imagine a law enjoining that when you have educated a nation for a hundred years you should give its administration into its hands, it is not possible to enforce it. The people themselves must get this effected. They have a right (to do so).

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Hence there must be some such arrangement here. Formerly there was some such arrangement to a little extent. Such an arrangement does not exist now. And herein lies the root of all these our demands, the grievances which we have, the wants which we feel (and) the inconveniences which we notice in the administration. And the remedy which is proposed after making inquiries about that root in the above manner is called Home Rule. Its name is *swarājya*. To put it briefly, the demand that the management of our (affairs) should be in our hands is the demand for *swarājya*. Many people (lit. even many people) have at present objections to this. I merely gave the definition in order to make (the subject) clear. The people on the other side always misrepresent it. If there be no mistake in the logical reasoning of what I have now said, how will any mistake arise unless some part of it is misrepresented? Hence, those people who want to point out a mistake misrepresent some sentences out of this and find fault with it saying this is such a thing, this is such a thing. Hence, it is not the duty of a wise man to impute those things to us which we never demand at all, to censure us and in a manner ridicule us before the people. What more shall I say than this? (Cheers.) Hence, if any one of you has such a misconception, let him give it up. At least remember that what I tell is highly consistent. It is in accordance with logical science. It agrees with history. I said that king means invisible king or Government—this constitutes no offence whatever. There are deities between. At several times God does not get angry; these deities get angry without reason. Some settlement is to be made with respect to them. Hence if there has arisen any such misconception it should be removed. I have told this for this purpose. Now I tell the nature of it to you. And even before that let us also consider a little the question whether we are fit for (carrying on) such sort of administration or not. Some time ago I gave you the instance of *panch* and their ward. There generally it happens that as the boy grows up more and more, those who think that the management should not pass into other hands make reports that his head has now begun to turn; another says that he is not mad, but that he appears to be half mad. The reason of this is that the management should remain in his hands for a couple of years more. A third says: 'True, you may give authority into his hands, but do you know that he has got bad habits.' These (people) tell five or ten things about him. What is to be gained by doing this much? Then the dispute goes before the Court and then they get him adjudged mad. Some things like these have now begun to happen here. To give authority into people's hands is the best principle of administration. No one disputes this. Because the same thing is going on in the country of those officials who are here. When they go there they have to advocate the same principle. Therefore no one says that this historical principle is bad. Then what is bad? They distinctly say that the

Indians are not to-day fit for *swarājya* (laughter), and some of us are like the rogues in the story of the three rogues occurring in the Panchatantra. That story is as follows: A villager had come taking a sheep on his head. One rogue said to him 'There is a she-goat on your head.' The second said 'There is a dog on your head.' Third one said quite a third thing. He threw away the sheep. The rogues took it away. Our condition is like that. This relates to human nature. There are among us people who are just like them. Why are we not fit? Because fitness has not been created in us. We have not done (it), our parents have not done it. We too have not got such powers. But the Government has given you some powers in the Council. Sinha (and) Chaubal are in the Council. In the Executive Councils of other places also there are selected people. When these people were selected for appointment, did any one ever say (lit. write) 'We are not fit, do not give us the post'. No one said (cheers). What then is the use of saying (so) after coming to our meeting? I shall consider that these people are speaking the truth if, when the bureaucracy actually confers some great powers on them, they stand up and say 'We do not want them, we are not fit for them—the Brahmins alone must come and perform Shradha at our house, we cannot perform it.' I think that those men who say such things because such and such a person would not like (any particular thing) and bring forward such excuses for that purpose, in a manner make an exhibition of their weak nature (cheers). Why are we not fit? Have we no nose, no eyes, no ears, no intellect? Can we not write? Have we not read books? Can we not ride a horse? Why are we not fit? As a Jew in one of Shakespeare's dramas—asked, I ask you what have we not? You have not done work. If it is not given at all, when are we to do it? (Cheers.) Has it ever happened that we did not do work when it was given? No one did then say, we are unfit, do not appoint us. You appoint them. You get work done by them and afterwards it is also announced in a Government Resolution 'He has done his duty and so on.' On the contrary, going further, it is to be asked, you bring from England quite a new man of 21 years. What can he do? Has he any experience at all? He comes all at once and straight way becomes Assistant Collector, and becomes the superior of a Mamlatdar though the latter be 60 years old. Where a Collector of 21 years? (Cheers.) Is 60 years' experience of no value? A man of 21 years comes and begins to teach you. Generally he makes this Mamlatdar of 60 years stand before him. He does not give (him) even a chair for sitting, and this poor man stands before him with joined hands because he has to get Rs. 150, 200, 400 (cheers). How then is the Saheb to acquire experience, how is he to become fit, and how is the work (lit. cart) to go on? Has any one thought about this? Had it been true that the people of India are not fit for *swarājya* and that they would not be able to keep their kingdom in good order, then Hindus and Muham-

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madans would never have governed kingdoms in this country in ancient times. Formerly there were our kingdoms in this country. There were administrators. The proof of this is that before the advent of the English Government in this country there was at least some order, there was no disorder everywhere. One man did not kill another. Since there existed such order, how are we to say that the people are not fit (for powers)? At the present time, science has made progress, knowledge has increased, (and) experience has accumulated in one place. Hence we must have more liberty than before, and we must have become fitter. But, on the contrary (it is said) we are not fit. Whatever might have been the case in former times, this allegation is utterly false. Better say, (it) is not to be given (cheers). What I say is, don't apply the words 'not fit' (to us). At least we shall know that this is not really to be given. We shall get it. But why do we not get it? It is indirectly said that we are not fit. It is to teach you that we have come here. This is admitted. But how long will you teach us? (Laughter) For one generation, two generations, or three generations! Is there any end to this? Or must we just like this, work under you like slaves till the end? (Cheers.) Set some limit. You came to teach us. When we appoint a teacher at home for a boy we ask him within how many days he would teach him—whether in 10, 20 or 25 years. Within two months, within four months. But if the study which should take six months for the boy to finish would, he were to say, contrary to our expectation, take one year, we tell him you are useless, go, we shall appoint another teacher (cheers). Then in this manner, on the people—on all people. These officers have control over the people's education and it is their duty to improve them; this duty remains on one side, they make attempts on the other side. They say that whatever attempts they may make it is impossible for these people to become fit for this work. I think that to place such excuses before the invisible Government, is in a manner an occupation of securing one's own interests. If some one were to draw the conclusion that there must be some self-interest in this, that would not be wrong. Why is it so? (They are) men like you, as wise as you. You take them in service, get work done by them; it is not that you exercise less strictness. What is going on in the *Khālsa* territory? There is no obstruction in the management. Is it obstructed in Mysore? Who are doing the work? The king of Mysore is a Hindu, the minister is a Hindu, the subjects are Hindus, the lower officers are Hindus. (They) carry on the administration of such a large kingdom as Mysore, but it is said that the people of the two districts beyond Mysore cannot carry it on in that manner. (Laughter, cheers.) There are six districts in the Mysore territory, hence it is like saying that six are fit and eight are not fit. There is fitness in us beyond any doubt (cheers). You may, then, for some reason admit it or not. Well. What authority is there for thinking that we possess fitness? I pointed to

a Native State. I tell another thing. Keep yourself aloof for 10 years and see whether it can be done or not (cheers, laughter.) If it cannot be done, take (us) under your control after ten years (cheers). You are free (to do so). This thing, too, is not to be done. Hence the only object in saying that the Indians are not fit to carry on the administration is that they are always to be kept in slavery, that they are to be made to do work by labouring like slaves, and that the ways whereby their intellect and their ability may be developed are to be stopped (cheers, 'shame'). There is no *swarājya*. There is no *swarājya*. What does it mean? What do we ask for? Do we say 'Drive away the English Government'? But I ask what (is it) to the Emperor? Does the Emperor lose anything whether the administration is carried on by a civil servant or by our Belvi Saheb? (Cheers.) The rule still remains. The Emperor still remains. The difference would be that the white servant who was with him would be replaced by a black servant (cheers). From whom then does this opposition come? This opposition comes from those people who are in power. It does not come from the Emperor. From the Emperor's point of view there is neither anarchy nor want of loyalty, nor sedition in this. What does *rājadroha* (sedition) mean? Hatred of the king. Does king mean a police sepoy? (Laughter.) I said some time back that this distinction must first be made. Otherwise, (lit. then) if to-morrow you say 'remove the police sepoy' would it constitute sedition? Such is the belief of police sepoy (laughter). In the same manner, go up a little, and you will see that the demand made by us is right, proper, just and conformable to human nature. The same has been done by other nations. It has not been done only in our country. *Swarājya*, *swarājya*—what does it mean? Not that you do not want the English rule. There is a mistake at the root. Some one has some object in it. This argument is brought forward by men whose interest lies in deceiving you. Do not care about it at all.

If you think that you are men like other men, when they go to England their intellect and they are put to the test there. Therein we stand higher. What else then comes out? Your intellect may be good, but you do not possess character, courage and other qualities (and) their nature. I admit for a *ghatka* (24 minutes) the absence of nature. But it does not follow that it will not be acquired. (Laughter.) How can their nature at all become such, whose life is spent in service and in service alone? If it be said, he worked as a clerk for 25 years, wrote on the cover (*sic*) the Saheb's orders, obtained the Saheb's signature thereon, and then he acquired the habit after 25 (40) years; still, he will at first find it difficult to do work; this is not denied. But when the system under which such men are has disappeared, it cannot be said that men would not become fit in the next generation. Hence in my opinion we are fit for *swarajya*. I shall now briefly tell you what we wish to obtain and what we should demand and conclude my speech.

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You know of what sort the Indian administration is. But the thing to be told is that it is carried on in accordance with a particular law. Its rules are fixed. What are the powers of the Secretary of State? What are the powers of the Governor General? There are three great parts of the system. The Secretary of State is in England. The Governor General is at Delhi in India. Under him there is a Governor for a Presidency. For the present let us omit those under him. But the main system is of the above three sorts. If we now begin to consider each, who appoints the Secretary of State? Not we. This arrangement was made according to the policy of the Company's government. When there was the East India Company's rule in this country, all matters were carried on on a commercial principle. The whole attention was directed towards (the question) how might the Company's shareholders obtain a considerable profit? The Company's Directors were in the place of the present Secretary of State. You might say that this was a contract given for governing the entire kingdom. Under the Peishwa's rule Mamlatdar's offices were given under a contract. This Indian administration was, as it were, according to the then law of Government, a trade carried on by the East India Company. They were to derive from it as much profit as possible. The Company's Directors were to be in England. Their attention was directed to the fact that profit was to be given to the Directors, *i. e.*, shareholders. A letter used to come to the Governor General here to this effect:—'So much profit must be paid to us this year. Realise it and send it to us.' This was the administration. The people's good was not (considered) in it. (It was like) the milkman and his cows. If the cows do not give milk, he says bring (the pot) after filling it by pouring water in it. The administration of India was carried on like that. Subsequently it appeared after discussion that this administration was not of a good sort. And when Queen Victoria—you may say the Parliament—took the administration in their hands, they did not approve of this trading system. They took it into their hands—this was one part. This system of administration has been formed in accordance with the commercial policy which was in existence when the administration was assumed (by the Parliament) and under which the Directors were in England and their servants were here. The State Secretary has come in the place of the Directors. The Governor General (has) come in the place of their Governor. Thus, what was done? The sovereign—the Parliament—took the administration into their hands, but the establishment of employees which then existed has remained just as before. This happened in 1858 after the mutiny. From that time to this the administration of India has been carried on in accordance with rules and arrangement formed according to the Company's policy. If it was really to go to the king. As there

was the sovereign this nature of the Company should have disappeared. He is the King and we are his subjects. It is his duty to rule for the good of the subjects. And an arrangement should be made in accordance with the rules—lawful—that may be included in that duty. But this arrangement was made thus—the Director went, the Secretary of State came in his place. Who is to decide how much money is to be spent in India and what taxes are to be imposed? The State Secretary. Such powers are not placed in the Governor General's hands. He is the chief officer. The Governors are under him. He is a servant. There are other servants under him. And the entire administration must be carried on with the consent of, in consultation with and with the advice of, this State Secretary. Such is the present policy. What happened then? Gradually. This is but a commercial policy. Though the administration went into the hands of the Queen's Government, and though they issued a great proclamation, the sovereign's policy is not on the lines of that proclamation. The sovereign's policy is in accordance with the trading Company's policy, the administration of the kingdom is in accordance with the Company's policy. And in the meantime the proclamation has no effect. (Laughter, cheers). Such was the arrangement. At that time our people did not know (it). I think that had the spread of education been then as great as it is now, the people would have contended that since the Queen had taken the reins of Government into her own hands, the administration of the kingdom should, as regards the sovereign and the subjects, be for the good of the subjects. Our people would then have told that the arrangement made by the Company was simply for its own benefit, and that a change must be made in that policy—in that arrangement. The people continued to make these contentions for many years. To put the matter very briefly, Mr. Dadabhai Navroji (cheers), who is one of those living persons who saw this arrangement and pointed out its defects, began this work. What beginning did he make? He said 'What is the difference between the Company's (system) and this (system)? We do not (see) any in it. The rules are all made in accordance with the Company's policy. Are the people likely to derive any benefit from them?' Then arose these Legislative Councils. They were such that the Governor General was to appoint us. Originally (the members) were not to be elected (lit. appointed) by the people. Gradually your men became members (lit. officers) of the Municipality and of the Legislative Council. Still the final keys are in their own hands. Discussion may be held in the Legislative Council. You have full liberty to hold a discussion. You may hold a discussion about spending the money in this country. We shall decide whether it should be (so) spent or not. Subject your mouth and mind to as much exertion as possible, we have no objection to it. Be awake throughout

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 1916 in a newspaper, we shall publish them in the *Bombay*  
 (Government) *Gazette*. This is the only difference. Nothing  
 is got from this. The hope of getting is held out. There  
 EMPEROR is a *shlok* (stanza) in the *Mahabharat* which says—'hope should  
 v. be made dependent upon time'. Rights are to be given to  
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 India. When you become fit, we shall give the bundle into  
 your possession and go to England by the English steamer  
 (cheers). Such a time limit should be laid down. We  
 shall give in two years. We shall give in ten years. Such  
 a time came afterwards. 'Time should be coupled with  
 obstacles'. Ten years were mentioned. These days passed  
 and were very wearisome. We are obliged to make them  
 fifteen. 'Hope and time should be coupled with an obstacle'.  
 An obstacle came. You yourselves must have brought it. We  
 did not bring it. We were awaiting good time. An excuse  
 should be coupled with it. The excuse came. How did it even  
 come? It is an excuse, nothing can be said about it. Some  
 quite different cause should be shown. This is a sort of  
 policy. When you do not mean to give, how do you speak?  
 It is not the case that this is written in the modern works  
 on morality and politics. Only the old tradition has contin-  
 ued. Thus this bureaucracy has been cajoling us. For  
 the last 5 or 50 years the State Secretary and the Governor  
 General too have been cajoling us in this manner—have  
 kept us afloat. As soon as you proceed to make some noise,  
 (it is said) there were five members, to-morrow we shall  
 make them six. What is the benefit to us of raising the  
 number from five to six? One of our men is only to be made  
 to pass time there for nothing for a few days (cheers). There  
 is no more advantage than this. (If) you object to six (they  
 say) we make them eight. We raise our 10 to 12, if necessary  
 (Laughter and cheers.) The people are already convinced  
 that this matter cannot be disposed of in this manner.  
 Whatever rights you may have to give, give them to us  
 absolutely, however great your own powers may be. If the  
 management of the Educational Department alone be con-  
 sidered (it will be found that) most of the subordinate  
 servants are from among us only. There is a Saheb at the  
 head. Why is he kept there? With a view to restrain their  
 mouths and the scope of their intellect. Even if 20 years'  
 service be put in, the work will not be done without the  
 Saheb, that poor man begins to say so. Such men are to be  
 prepared. This is the inward object, though it may not be  
 open, of the present (system of) administration. Two distinc-  
 tions are to be seen in these. When a gardener is asked by  
 someone to prepare a garden here beyond this (place) he  
 looks for (flower) pots. When big forests are to be  
 prepared under the Forest Department, pots are not required.  
 Bags of seed are bought and emptied. Trees grow everywhere  
 to any extent. Some (of them) grow small, some big. This pre-  
 sent arrangement is like that. Owing to this arrangement the

trees amongst us do not grow. Nay, care is taken that the trees planted in pots look pretty (and) their flowers can be plucked by the hand. He is educated in such a way that such pretty trees may grow. In such a manner is he treated and made to work. And then after 25 or 30 years are past he begins to say 'I am really not fit for this work'. We do not want this system. We want the English Government. We want to remain under the shelter (lit. umbrella) of this rule. But we do not want the State Secretary who has been created as a son-in-law (cheers). At least we want our men, (men) elected by us in his Council. This is the first reform that must be made. Similarly it must be decided according to our opinion who is to expend India's (revenues), how much money he is to collect (and) how many taxes he is to impose (cheers). We say, there must not be those taxes. They will say how will the expenditure be met? That we will see afterwards. We know so much that expenditure is to be made according to the money (we) may have and (lit. or) that money has to be raised according to the expenditure undergone. We understand this. We will afterwards see what arrangement (should be made.) The second principle of Home Rule is that these powers should be in the people's hands, in the hands of good men, *viz.*, in the hands of men elected by the people. At present such a (great) war is going on in Europe. The Emperor does not decide how much money has to be spent on the war. Mr. Asquith decides it. If there is a complaint against the work done by Mr. Asquith, it goes before Parliament, and if Mr. Asquith has committed a mistake, he has to tender his resignation. Will it be sedition, if he has to tender his resignation? There is difference in the arrangement, there is difference in the organisation, there is difference in the system. And we are asking for such a change in the system. The rule will fall, the rule will go away,—these thoughts are utterly foreign to us, they do not come within our limits, our reach, our view. And we do not also wish it. I again say, if the nation is to get happiness, if the thousands of complaints that have arisen today are to be removed, then first of all, change this system of administration. There is a saying in Marathi 'Owing to what did the horse become restive? Owing to what did the betel-leaves rot? Owing to what did the bread got burnt?' There is one answer to it 'Owing to not turning. The leaves ought to have been turned, the bread ought to have been turned. Had the horse been turned, it would not have become restive.' The root of it is that, complaints about forests, complaints about Abkari, complaints about Kulkarni Vatas—(these have arisen) because authority is not in our hands. To state it in slightly changed words—because (we have) not *swarājya* (cheers). That we should have *swarājya* for us is at the root of it. Then (we) need not dance according to the wish of any one. This may happen even in *swarājya*, I do not deny it. When we have deficiency of money and powers are plac-

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ed in your hands, you will increase the tax; you will increase (it) altogether voluntarily. Whence is the expenditure to be met? But as it will be increased voluntarily, it will not oppress our minds. Learned aliens may tell us, when we are passing like this through this door, that we should not pass through this door but through that; but if any one comes and stands there and (begins to) tell us not to go through it, then we have to go out by giving him a push. The very same is the case with *swarājya*. This is the obstruction of the bureaucracy. We do not want such obstruction. The demand for *swarājya* is such that it has nothing to do with sedition. It has nothing to do also with the invisible Government. This domestic arrangement should be managed by you yourselves and by doing so what will happen is that in the first place your minds will remain in peace. Whatever you have to do you will do with the thought that you are doing it for your good. Nay, you will also reduce the expenditure. I do not think that in any Native State a Collector does not get a pay of twenty-five hundred rupees. If there is any place in the world in which a man doing the work of a Collector gets the highest pay, it is India (cheers). To give 2,500 rupees as pay to a Collector, would, under the former rule, have been like giving an annual *jahāgir* (to him) of about Rs. 30,000. Have we ever given in our *swarājya* such a *jahagir* of Rs. 30,000? Rs. 30,000 is not a small amount. There are reasons for it. What reason is given? Bear it in mind that there is some reason or another for everything. This (man) has to send Rs. 2,500 to England for his children, etc. For your welfare (they) come from a cold climate to a hot climate (and) get their health spoilt. Must not then pay be given to them? They have laboured so much, made such self-sacrifice, (and) suffered so many hardships, and you would not pay them money? When this is once told it appears to be right at first sight. But now the principal question is, who told them to come here from there? (Cheers.) We did not call (them). You do such work as you may be fit to do. We do (lit. may) possess as much fitness as you have, but we shall be able to do the work on less pay. Men can be had. Then why (give) so much pay to him? We don't need it. We think that we do not get to-day money for education. The excuse of 'no funds' which is brought forward in connection with the execution of works of public utility will first disappear. The business will go on unobstructed just as at present. In the beginning it will not go on so unobstructed. Perhaps it may be less by an anna in the rupee. Still the good impression (lit. fine thing) that will be produced by (the thought) that the (business) has been carried on by the people, is of greater value. In this manner good management is to be asked for in this (administration). Amendment is to be brought about in the present law; it is to be brought about through Parliament. We will not ask for it from others. We have not to get this demand complied with by petition-

ing France. The Allies may be there, we have not to petition them. The petition is to be made to the English people, to the English Parliament. This state (of things) is to be placed before them. We have to do whatever may be required for this. If you carry on such an effort now for 5 or 25 years, you will never fail to obtain its fruit. Moreover, such a time has now arrived on account of the war that is now going on that some such effort must be made as will increase the value of India, India's bravery, India's courage, and India's stability. If the fact that they themselves are making this effort comes to the notice of Government, then there is hope of our demand soon proving fruitful. I have, therefore, purposely brought this subject before you. The subject is being discussed elsewhere also. The League which we have established for this purpose is such that I myself or some one else will have occasion to place the subject (before the people) at every place, if not to-day some days afterwards, for carrying on this work. Let this subject be always discussed by you, always think about it, get its usefulness explained, and carefully consider how much of loyalty (and) how much of disloyalty is in it. This is what I tell you on the present occasion. Though what I have to say may be much more than this, still I have told you its substance in a brief manner. If the consideration of this be begun among you, be begun in Maharashtra, be begun in India, then some day or other this work will succeed; and even if this matter lies in God's hands, still it is necessary. I admit that it does not lie in our hands. But the effect of action (lit. *karma*) cannot fail to take place in this world. The effect of action may not be obtained so soon as I say, may not be obtained before my eyes, perhaps I may not be benefited by it. But this action must have its fruit (cheers). According to the law of action, when a certain action is done, another results from it, (and) a third one results out of that. Such succession goes on. Time will be required, there will be delay. But do we ask at all that we should have *moksha* before our eyes? Again do we ask for it with the thought that we should have it at the hands of a certain person? Only just now a Resolution was passed in our conference (that) the parties of Moderates and Nationalists are not wanted. That is to say, it is the same to us to whomsoever *swarājya* is given. There is no objection even (if powers) be given to your sepoy to-morrow. You may say, how will the sepoy exercise such a great power? The sepoy is to die some day or other and then we will see (cheers). We want rights. We want a certain sort of arrangement giving happiness. We will get it. Our children will get it. Make the effort that is to be made. Be ready to do this work with the thought that it belongs to you. I am sure that by the grace of God your next generation will not fail to obtain the fruit of this work, though it may not be obtained in your life-time (cheers).

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GENTLEMEN, before saying a few words to you it is my first duty to thank you very much. It is my first duty to thank you for the honour you have done to me by calling me here and for the address you have presented to me. Whatever the motive with which you have conferred the honour upon me, the few words, which I have now to tell you, relate to my work. Perhaps this may appear strange (lit. contrary) to you. You have called me here, and (if) I make a statement about my own work before you, that would be a sort of impropriety. Should you think that Mr. Tilak came here and told people his own things (I say) I do not hesitate at all to tell them at this place since the things which I have to tell you are of as great an advantage to you as they are to me. Till now controversies and discussions about the state of our country have taken place in various ways and at various places. What is beneficial to the people in general? Many things are beneficial. Religion, which relates to the other world, is beneficial. Similarly, morality too is beneficial. Provision for one's maintenance is beneficial. Our trade should expand, the population should increase, there should be plenty and that plenty should safely fall into our hands—all these things are desired by men. But it is not possible to discuss all these things in the short time allowed to me. I will, therefore, say a few words before you about such of the above things as are important and are considered important by thousands of people (and) about a subject which is now discussed on all sides. This subject is *swarājya* (cheers). Those things which relate to our homes we do authoritatively in our homes. If I desire to do such and such a thing, if it be merely a private one, I have not to ask any one about it, nor to take anybody's permission nor is it necessary to consult any one else. That is not the case in public matters. As is our own good, just so is the good of all people. If we consider how people would begin to live well and how they would attain a condition of progressive improvement we shall see that, whatever things we take (for consideration), we are handicapped in consequence of there being no authority in our hands. If a railway is to be constructed from one place to another, that is not under our control. As for trade, I might talk much about giving encouragement to such and such an industry but it is not wholly in our power to acquire knowledge of that industry at the place where it is carried on, to lessen the trade of those people in this country and increase our own trade. Whatever thing we may take it is the same with it. We cannot stop (the sale of) liquor. There are also some things which are not wanted by us or by our Government but the course of the general administration is such that it is not in our power to make any change—the slightest change—in it. We have till now made many complaints and Government have heard them; but what is the root of all the complaints? What things come in the

way of improving our condition as we desire (and) what is our difficulty—this has been considered for about 50 years past, and many wise people have, after considering this thing, discovered one cause of this, which is that our people have no authority in their hands. In public matters, different (lit. many) people have different opinions. Some say 'Do you not possess authority? Do not drink liquor, and (all) is done'. The advice is good (lit. sweet) indeed, but stopping all the people (from drinking liquor) cannot be done by mere advice. This requires some authority. He who has not got that authority in his hands cannot do that work. And if it had been possible to do the work by mere advice, then we would not have wanted a king. Government (administration) has come into existence for giving effect to the things desired by a large number of people. And as that Government is not in our hands, if anything is desired by thousands of you but not by those who control the administration, that thing can never be accomplished. I had come here on a former occasion. What about the famine administration (of that time)? When (lit. on which day) Government came to know that the weavers sustained great loss during famine, some steps were taken about it. We have lost our trade. The business of commission agency used to be carried on formerly; it is not that commission agency (business) did not exist before, nor that it does not exist now. The business of the agents is carried on at present. The difference is that while at that time you were the commission agents of our trade, you have (now) become the commission agents of the business men of England. You buy cotton here and send it to England and when the cloth made from it in England arrives, you buy it on commission and sell it to us. The business of commission agency has remained, but what has happened in it is that the profit which this country derived from it, is lost (to us) and goes to the English. The thing (is) that the men and the business are the same (as before) but owing to a change in the ruling power, we cannot do some things. Such has become (the condition) that such things as would be beneficial to the country cannot be carried out. At first, we thought that since the English Government was as a matter of fact alien, (and) there was no sedition in calling them so there would be no sedition whatever nor any (other) offence in calling (alien) those things which are alien. What is the result of alienness? The difference between aliens and us is that the aliens' point of view is alien, their thoughts are alien, and their general conduct is such that their minds are not inclined to particularly benefit those people to whom they are aliens. The Muhammadan kings who ruled here at Ahmednagar (I don't call Muhammadans aliens) came to and lived in this country and at least desired that local industries should thrive. The religion may be different. The children of him who wishes to live in India, (also) wish to live in India. Let them remain. Those are not aliens

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who desire to do good to those children, to that man, and other inhabitants of India. By alien I do not mean alien in religion. He who does what is beneficial to the people of this country, be he a Muhammadan or an Englishman, is not alien. 'Alienness' has to do with interests. Alienness is certainly not concerned with white and black skin. Alienness is not concerned with religion. Alienness is not concerned with trade and profession. I do not consider him an alien who wishes to make an arrangement whereby that country in which he has to live, his children have to live and his future generations have to live, may see good days and be benefited. He may not perhaps go with me to the same temple to pray to God, perhaps there may be no intermarriage and interdining between him and me. All these are minor questions. But if a man is exerting himself for the good of India, and takes measures in that direction, I do not consider him an alien. The Government is alien. At first I thought that there was nothing particular in this. The Peishwa's rule passed away, and the Muhammadan rule passed away, (the country) came into the possession of the English, but the king's duty is to do all those things whereby the nation may become eminent, be benefited, rise, and become the equal of other nations. That king who does this duty is not alien. He is to be considered alien, who does not do this duty, but looks only to his own benefit, to the benefit of his own race, and to the benefit of his original country. If anybody has charged this Government with being alien, he has done so in the above sense. How then is this sentiment of (alienness) to disappear? At first hundreds of questions arose. Agricultural assessment then increased, the Forest Department was organised in a particular manner, the Abkari Department was organised in a particular manner—about all these things we have been constantly complaining to Government for the past 20 or 25 years. (But) no arrangements about the different departments, the different professions, the different trades and the different industries, were made (accordingly). This is the chief question of the past 50 years. While looking out for a cause of this, we at first believed that when we informed this Government of it, it would at once proceed to do as we desired. The Government is alien. It does not know (the facts). When 5 or 10 of our prominent men assembling together tell Government, the latter will understand it. It being alien, it cannot understand it. As soon as the Government is informed of this, it is so generous minded and wise that it will listen to what you have to say and redress (the grievances). Such was our belief. But the policy (lit. conduct) of Government during the last 50 years has been the cause of the removal of this belief. However much you may clamour, however much you may agitate, whatever the number of grounds you may show, its sight is so affected as not to see the figures drawn from its own reports and set before it. The same arguments and the same grounds do not meet with its approval. If we

say anything to it, it sticks only to what may be adverse to our statement. Perhaps some one may come and tell you that there is nothing to wonder at in this. Whether the Muhammadans or the Hindus or the Peishwas or the Emperor of Nagar may have been (lit. may be) your rulers, those kingdoms have been broken up and now the rule of the English has been established. Of course those people do just what is beneficial to them. Why then do you complain about them? This is sure to happen. Such is the opinion of several people. This your outcry only becomes the cause of giving pain to Government and in a manner disturbing its mind. For this reason do not raise this outcry and accept quietly what it may give. Accept gladly what little (lit. quarter of bread) it may give and thank it. Such is the opinion of several people. I do not approve of this opinion. My opinion is that whatever be the Government, whether British or any other, it has, as Government, a sort of duty to perform. Government has a sort of religious duty to perform; a sort of responsibility lies on its shoulders. I say that when a Government evades this responsibility it is no Government at all. Government possesses authority. All the power possessed by Government, be it acquired by it by fighting or be it conferred (upon it) by the people. Still Government has a duty (to perform). As we have a duty, so those who are called Government have also a duty. They must do certain things. The Government has already admitted certain duties. Does not Government do such works as constructing roads, establishing post-offices and telegraphs? It does. If tomorrow some one were to say 'If Government does not construct roads, it is its pleasure. It may construct them if it likes, but not if it does not like,' then all of you who are assembled here will find fault with him saying, 'If these things are not to be done (by Government), why do we pay taxes? If the Government will not utilise for the people's convenience the taxes levied from us, it has no authority to take any taxes whatever from us. Government take these for our benefit'. When any persons argue before you that the Government is good, what do they show? The question is always asked 'This our Government has constructed roads, made railways, established telegraphs and post offices—are not these conveniences made for you? Why do you then raise an outcry against Government?' I do not say that these things have not been done, but that those that have been done are not sufficient. These things have been done, done well (and) have been done better by the British Government than they would have been done by the former Governments—this is an honour to them. But should we not tell (it to do) those things which it does not do? But that is not a real Government which considers itself insulted when told of those things which have not been done and a desire to do which is not apparent even now, which does not direct its attention to them though told in many ways, and which thinks that we

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should not tell those things to it. What then is meant by a real Government? This must be considered a little. There is a vast difference between the present system and the old system. At present an effort is being made to create a sort of erroneous conception. Neither the Collector nor the civilians arriving (here), who are called the bureaucracy in English, are Government. A police sepoy is not Government. It does not constitute any sedition whatever to say, 'Do something if it can be done, while maintaining the British rule which is over our country, without harm being done to that rule and without weakening it.' We want the rule of the English which is over us. But we do not want these intervening middlemen (lit. keepers of granaries) (cheers). The grain belongs to the master, the provisions belong to the master. But remove the intervening middleman's aching belly, and confer those powers upon the people so that they may duly look to their domestic affairs. We ask for *swarājya* of this kind. This *swarājya* does not mean that the English Government should be removed, the Emperor's rule should be removed and the rule of some one of our (Native) States (should be established in its place). The meaning of *swarājya* is that explained by Mr. Khaparde at Belgaum, *viz.*, we want to remove the priest of the deity. The deities are to be retained. These priests are not wanted. We say appoint other priests from amongst us. These intervening Collectors, Commissioners and other people are not wanted. Who at present exercises rule over you? The Emperor does not come and exercise it. He is in England. If some facts were communicated to him, it is his wish that good should be done to you. Why then is not good done to you? Hence we do not want these priests (cheers). Those people are clever. You say that no priest is wanted. They will say 'We have passed examinations: We do many things.' All these things are true. But their attention is directed more to the remuneration belonging to the priest. Hence this priestly office should remain in our hands. The position of the Badwas of Pandharpur and these (people) is the same (cheers). Will there be any loss to the Emperor if the said priestly office does not remain in the hands of the bureaucracy who are endeavouring to retain it? There will be none. Some will say that the English people belong to the Emperor's race. But after we have become the Emperor's subjects he does not make any distinction between the English subjects and the black subjects. He does not wish to make it. The meaning of the word *swarājya* is Municipal Local Self-Government. But that is a farce. It is not sufficient. When an order comes from the Collector, you have to obey it. He (Collector) has power to meddle. He has power to call the President and tell him to do such and such a thing. If the President does not do it, (the Collector) has power to remove him. Then where is the *swarājya*? (cheers). The meaning of *swarājya* (as stated) above is retention of our Emperor and the rule of the English people, and the full

possession by the people of the authority to manage the remaining affairs. This is the definition of *swarajya*. What we ask for is not that the authority of the English should be lessened, nor that the English Government should go away and the German Government should come in its place. On the contrary, the present war has proved and the whole world has seen that it is not our wish that the German Government should come here. Nay, in order that the rule of this Government should remain here permanently, thousands of our people are today sacrificing their lives in the most distant and cold climes (hear, hear, cheers). What is left then? If in order that this rule may remain and that this rule should not go away and the rule of the German people should not come in its place, we pay money—be it according to our means—though we are not as wealthy as the English. According to our ability, our fighting men are going (there) and sacrificing their lives and in this way exerting themselves. France, Germany and (lit. or) other nations are commending and applauding them (cheers, hear, hear). By shedding our blood we have proved our desire that our loyalty to the English Government should be of this kind (hear, hear and cheers). I do not think that any man can adduce stronger evidence than this in his favour. Thus to-day it is an undoubted fact that we want here the rule of the English alone and accordingly we are exerting ourselves. If such is the state of things, why should not these intervening people who have been appointed be removed and why should we not get the rights possessed by the people in other places within the British Empire? We are not inferior to them in point of bravery and education, we possess ability. Such being the case, why should we not get the rights? Why should the Emperor make a distinction between his black and white subjects? Who has given such advice to the Emperor? The peculiar feature of the British constitution (lit. rule) is that the Emperor acts on the advice of the people. Why should the ministers give him such advice? At present those who possess power, *i. e.*, the bureaucracy are white. When a black man goes among them he too becomes like them. Under the present system, if a native on his arrival from England after passing examination be appointed to be a Collector, he after going among them becomes just like them. Do not think that I am speaking only about the whites. We do not want this system. What does it matter if a man or two goes among them? He cannot do anything in particular. Therefore this system must be done away with. We would not be satisfied by the appointment of one or two persons. Let that be. Who introduced the system? The Emperor did not introduce it. The Queen's proclamation as promulgated is of one sort (lit. on one side) and the present system is of another sort (lit. on one side). At present it is not at all left in our hands to bring about our own good. Were we to think that encouragement should be given to *swadeshi* goods by imposing duty on certain import-

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ed foreign goods, that is not in our hands. Were we to think of starting such and such industries required in the country (or) of importing paid teachers from foreign countries, that thing is not in our hands. What a small thing this is! It is necessary that all people should know reading and writing. Whether a man be a Muhammadan or of any (other) religion or of any caste, he ought to know a little of reading and writing. This thing is now acknowledged by all people throughout the world. There is now no doubt about this. By knowing reading and writing a man derives at least some benefit. No one requires to be told of this anew. Then why is not that thing done here? Because there is no money. Who gives this excuse? This excuse is given by the bureaucracy. Their pay is Rs. 2,500 and if it is to be raised to 3,000, then there is money. The same was the case with Exchange compensation. When the price of the rupees or (silver) fell, six crores of rupees were brought out by Government on account of exchange. At that time money was found. Unless you have authority in your hands these things which are taking place cannot be got over. There is no money for education, but (lit. and) there is money to pay a salary of Rs. 2,500 to the Collector. To whatever degree of clearness we speak about and tell this thing..... Moreover the present bureaucracy does not consider that thing from the point of view from which we would consider it if authority were to come into our hands. At first we were told that money should be spent on education. When people begin to know how to read and write, the number of offences committed falls by thousands, they carry on their dealings well; they understand what is of advantage and what is of disadvantage to them. When people become (fit) in this manner an officer of Rs. 2,500 will not be necessary to govern them. One of Rs. 500 will do, and we shall be able to spend Rs. 2,000 on education. In no (other) country are there so highly paid officers at present. The Viceroy who comes to govern India gets Rs. 20,000 a month, while the Prime Minister of England gets Rs. 5,000. He who remaining in England manages the affairs of the whole Empire gets Rs. 5,000 while he who carries on the administration of India here gets Rs. 20,000. Why so? There is no answer to this. This (is so) because this thing is managed at the cost of others (lit. direct) (cheers). This is India. Go and eat. If any shop belonging to (other) people is made over to you for management, you will pay the employee a salary of Rs. 100 if he belongs to your community or caste while you would pay him a pay of Rs. 50 in your own shop. In this way the present arrangement is being carried on. We are not at all benefited by this arrangement. Thus it is not the case that these things have come to our notice for the first time. It is 50 years since the things came to our notice. When the National Congress was held at Calcutta in 1906, Mr. Dadabhai Novroji (cheers) stated this distinctly. He

gave it as his 50 years' experience that for counteracting this present irregularity and the sort of injustice that is taking place in India, there is no other remedy than that the power should pass into the people's hands. He called it self-Government. And in the hands of the people. We must decide upon the arrangement as regards what is to be done in our homes, what is to be done in our villages, what is to be done in our country and what is to be done in our presidency. If we decide about this, it will be done at a small cost, it will be done well, and our decision as regards in what matter we should expend more money, and in what matter less, will be more beneficial to the people. The bureaucracy says that we do not possess knowledge (as if) they alone possess it. Their first look out is to see how their pay will be secure. When money comes into the treasury the expense on account of their pay must be first defrayed. Their military expenditure must be first defrayed. They must be first fully provided for. If money remains after this, it is to be applied to education. They do not say that education is not wanted. Education is not a bad thing in their eye. But the people are to be educated and their (other) conveniences are, if possible, to be looked to after all (the above) expenditure is defrayed. This is to be thought of afterwards. We shall first consider whether (you could) manage things or not if power were to come into your hands. If you think that more pay has to be paid to these people then reduce it and tell them that they will have to do the work for the country. When all these things will be considered in this manner, we shall have in our hands the opportunity of bringing about those things which it is desirable to bring about. This is mere speculation (lit. consideration). Where is your difficulty? There is a common saying in Marathi: A certain man asked three questions. Why (lit. where) does the horse become restive, why did betel leaves rot—the story occurs in the third book: it was there formerly, I do not know whether it is there now.—He gave a single answer to 2 or 3 such questions, which is, 'owing to not turning'. Similarly, (why) is (not) the consumption of liquor reduced in our presidency, why are the people subjected to zulum in forests, why is money not available for education?—All these (questions) have one answer, and it is this: 'Because you have no power in your hands' (cheers). And as long as this power will not come into your hands, so long there will also be no dawn of your good fortune. Whoever may be the Emperor, we speak not anything about him. But we must do those things which relate to business, trade, religion and society. Unless the power of doing those things comes partially into our hands—in the end it must come fully—unless it comes fully into our hands, it is impossible for us to see a time of plenty, the dawn of good fortune, advantage or prosperity. Water cannot be drunk with others' mouths. We ourselves have to drink it. Similar is the present arrangement (that of drinking with others' mouths).

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We ourselves must draw our water—the water of our well—and drink it. If that well belongs to Government, a tax of a rupee per month may, if necessary, be paid. But we want power. There are no means of salvation for us unless we have it in our possession. This principle of politics is almost settled—proved—from the point of view of history, morality and social science. Now (lit. then) you may ask why it was not told to you for so many days. I have to say a few words about this. That power should come into our hands or the time of its coming into our hands is approaching (lit. beginning to be seen). Up till now the generality of people in England thought of deriving as much profit from India as possible (and that) India was a sort of burden to them. The people in England used to think that the 30 crores of people in India would overthrow their rule some time or other, (that) they should be disarmed (and that) they must be kept in slavery and under control as much as possible. But that condition is now changed. Owing to the war which is now going on in Europe, it has begun to be thought that unless all the many parts of the British Empire unite together, that Empire would not attain as much strength as it should. It has so happened now that a consciousness has been awakened in them that they stand in need of aid from other countries called Colonies belonging to them—Australia, Canada, (and) New Zealand, which are inhabited by Sahebs. If you take advantage of this awakened consciousness, you too have this opportunity of acquiring some rights. No one tells you to obtain these rights by the use of the sword. But to-day the nation's mind has undergone a change. India can give some help to England. If India be happy England too will acquire a sort of glory, a sort of strength and a sort of greatness. This consciousness has been awakened in England. If no advantage is taken of this awakened consciousness at this time, such an opportunity will not occur again. The bureaucracy considers this to be bad. Who will be the loser in this? Not the Emperor, but the bureaucracy. They, therefore, consider this thing to be bad and they are now telling (lit. advising) us that we are not fit for *swarājya*, and that, therefore, they have come here. As if there was no *swarājya* anywhere in India when they were not here! We all were barbarians and ready to cut each other's throats. There was no system of administration under the Pēishwa's regime. There was no system of administration under Mahammadan regime. We were not able to carry on State administration, we were not able to construct roads. We did not know how the people might be happy. Nana Pharnavis was a fool, Malik Amber was a fool, Akbar and Aurangzeb were fools. Therefore these people have come here for your good and you are still children (laughter). Let us admit for a moment also that you are children. When are you now to become grown up? In law when one attains his 21st year one is con-

sidered to be grown up. Though these ( people ) have ruled over us for 50 years we have not been able to become grown up. What then did they do for 50 years? If the people of India were children whose duty was it to educate (lit. make wise) them? It was their duty. They were the rulers. I go so far as to say that they have not done this duty—hence not only are we children, but they are unfit to rule (cheers). This alone is good that those people who could not improve (the condition of) their subjects during 50 years should give up their power and make it over to others. If there be a manager of your shop and if he performed the duty of *munim* for 50 years, but there was only loss continuously for 50 years, what would you tell him? Sir, give up your place and go away. We shall look to our own management. Another may be of a lower grade. Though he may be less clever, he will at least know that in managing a shop there should at least be no loss. This at least he must know. What (those) people tell us, *viz.*, that we have not become fit, proceeds from selfishness. If what they say be true, it is in a way disgraceful to them. They are being proved to be unfit. And if it be false, they are selfish. We can draw no other conclusion from this than the above. What is meant by 'we are unfit'? What is the matter with us? Our Municipal management is tolerated; if someone comes from England after passing examination and becomes a Collector that is tolerated. They discharge (their) duties and Government commends them. But when the rights of *swarājya* are to be given to the people, to tell all people, crores of people plainly that they are unfit (lit. to give a certificate of unfitness) is to make an exhibition of one's own unfitness (cheers). Besides this objections of many other sorts are taken against *swarājya*. In the first place, I have already said that they unhesitatingly (lit. at once) decide that the whole nation is unfit. If we say ('hold an examination,') no examination too is held. 'Unfit, unfit'—what does it mean? Set your men to work and set our men also to work. See whether they do or do not work properly. No opportunity to work is given and (yet we) are called unfit. Are even those, who have been given an opportunity, found unfit? There are members in the Legislative Council, are they unfit? Have they ever called themselves unfit? Have you ever called them (unfit)? No. What does then 'unfit' mean? You don't mean to give. In order to say there is no buttermilk, is deceit necessary? To-day being Sunday, there is no buttermilk—such is the shuffling that is going on now. I want to ask you whether you without allowing that shuffling are prepared or not to make a resolute demand. If you are not prepared to ask, if you do not make urgent solicitation about this,—if you throw away the present opportunity—such an opportunity will not come again for 100 years. Therefore, you must be prepared. I know that if after being prepared we spoke a little forcibly, some police sepoy may say 'O you': (this) is not unlikely. But it must be put

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A. CR. J. up with. There is no help for it. We have no power in our hands. We cannot say to the police sepoy, 'you are a fool, go back. He obeys the Police Inspector's order. But I can tell you that if you, people of all castes and religions, become united and at this time make this demand of Government resolutely and unitedly, press (it) earnestly, be prepared to bear any expense that may be necessary for this, (and) proclaim not only to Government but to the whole world that unless your demand be granted you would not be satisfied nor remain contented,—if you possess so much resoluteness, I am sure that by the grace of God you will not fail to have the demand granted to you pretty soon. (This) will be (lit. is) the fruit of your resoluteness. Whether in religion or in politics, resoluteness is required and that resoluteness of mind does not come without courage. It will not do to say 'How will it be?' Whether good or evil may result, we want this very thing. We will ask for this very thing. For this we will collect money and undergo any expenditure or exertions that may be necessary, and we will not stop this agitation till this our demand is satisfied. If this work is not completed within our life-time, our children also will keep up this same agitation. When there is such devotion for this work, only then fruit will be (lit. is) obtained. Without devotion, no fruit is obtained from God from King, in this world (or) in the next world. If you do not possess this devotion, no fruit will be obtained though strenuous exertions be made in this manner. First, devotion is required. (Both) rich and poor must possess devotion. The poor must help in their own way, the rich must help in their own way. Those who possess intelligence must help by means of intelligence. Every man must bear this thing constantly in mind. If you do not bear this (lit. such) thing constantly in mind, if you do not prepare yourself to make exertions, then it will be sheer folly to blame others for the failure. Perhaps the word folly may have been disliked (by you). I uttered it in the heat (of speaking). But my firm belief is that we have not yet begun to make efforts as strenuously, as earnestly and as devotedly, as we should have. If a Saheb were to ask (lit. tell) whether there would be confusion or not if powers were given to us, we say yes, yes. We have no men! The men are not prepared! And then we laugh at the Saheb in our house; we must laugh there (cheer) (laughter). It will not do to laugh in our house. The reply must be given just to his face. We must be prepared to maintain the things which we consider to be true and tell them to the people, to the officers, and even to the Emperor. On the day on which you will be ready (to do this)—particularly in these days after the war is over—the administration shall have to be changed in some respects at least. If the administration be like the present, England cannot grant any authority among European nations. At present England is the most powerful of all. The English Government

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is the most powerful, but to keep it so, change must necessarily be made in the present administration. As a matter of fact they say, 'make that change'. India does not say that the change should be made. Some defects or others are found therein. I stood up today; another will stand tomorrow and say that your good does not lie in this. The arrangement which exists at present is itself good. There is the benign Government. The bureaucracy is wise. Therefore, if you act in accordance with their principles, that would be well. If you wish to remain slaves, do so. No one says, do not. What is the use of giving advice to him hundreds of times who likes slavery? He who is willing to remain in slavery may do so freely. But this is not the condition of citizens. This is not the condition of traders (lit. this condition does not apply to traders). This is not the condition of intelligent people. This is not the condition of people of any religion such as Musulmans, etc. It is not the case that it applies only to one class, only to Muhamadan merchants. The thing which I am going to tell is not for Musalmans, for Hindus, nor for traders. It applies to all. There is only one medicine for all people. That medicine is power: take (it) in your possession. When it comes into your possession, if there be any disputes between you and us, we would be able to settle them. After the power has come into our hands, there would be much time to settle them. If there be any difference of opinion in religious beliefs, that too we will remove. We want power for this. We want power to settle disputes. It is not wanted for increasing them. Aliens do not know as much as we do what we have to do for our country. Their point of view is different. Hence, British Government being maintained at the head, one and the same Emperor will rule over India as he does over the British Empire. But introduce here an arrangement similar to that in other Colonies. There, in those Colonies, they have got in their own hands all the power, the right of ownership, (and) the power to make laws. That does not affect the Emperor. There is no attempt to overthrow the British Government. But this is an attempt to make the British rule more pleasing to the people. Some people will lose their means of maintenance, that is not denied. We do not think that the Emperor has reserved India for those people. The present arrangement has come into existence for some reason. It must go away. The Emperor ought to give powers into the hands of the people, and without making any distinction between Indian and British subjects, between the white and the black subjects. As they are the Emperor's subjects, so are we too his subjects. We must become as happy as they. The thing which some wise, learned and thoughtful people have now decided to be the key of all these, is *swarājya*. The time for it has now arrived. I have explained to you the meaning of it. I have told you how its time has come. But though all (things) may exist, your resoluteness is the final thing. The

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opportunity (lit. time) which has come will be lost. Though the arrangement of which I speak be in contemplation, you will not get it. There must be resoluteness on your part. Fortunately the thing about its acquisition is that an agitation of this kind has now begun. Recently we have established at Belgaum an institution to work for *swarājya*. An institution has been established in Madras. This subject is already before the Congress and it will dispose of it one way or the other. But though the several provinces make their arrangements and render help to them. At least (you) must show so much courage that if some one—the Collector, Commissioner, etc.—were to ask ‘what do you want?’ (he should be told) ‘We want power, there must be power in our hands.’ Government servants should be considered to be people’s servants. Do not think that when in future power comes into your hands, you are not to entertain Europeans as servants. If he can work well, we shall keep him, and we shall pay him what we may think proper. But he must be our servant, we are not his servants. If we entertain this desire and make efforts for it, then this thing is capable of accomplishment. For this give the help that may be required. Be prepared to render such assistance as may be required to those who may come to speak to us in connection with this. And when you are thus prepared—people of different places, not only of Bombay, Poona, Nagar, but also of Bengal, Madras, etc.—if people of all places be prepared, this thing is feasible. To accomplish it, to accomplish it soon, begin to work for it. Having told this much to you, and expressing a hope that the time for India soon to see some fruit or other in accordance with the above will arrive, and asking your forgiveness for any mistakes I may have committed in my lecture or for any taunting words that I may have uttered respecting you, I thank you heartily. (Cheers.)

*Lecture delivered on 1st June 1916.*

I HAD thought that I would probably not have to deliver another lecture after the one delivered here yesterday. On that occasion I have already told as many of the two or four common things about *swarājya* as could be told within an hour. But this subject is such a one that, not only one, but even ten lectures on it will not suffice. Therefore, I am to-day going to speak again about two more things about *swarājya* which were not told yesterday, in such a way that the very same subject would be made more clear, would be better understood and the people’s ideas (about it) would be more distinct. My general opinion is that, what reforms we want are reforms relating to *swarājya*. You may perhaps know the story (lit. maxim) about the old woman. It is to the following effect: That old woman, after the deity had been propitiated, considered as to what she should ask, and prayed for the following boon: The deity should give me such a boon that I would actually see my grandsons

dining in dishes of gold, that is to say, she should remain alive till that time, that she should have a son, that he should earn wealth, etc., etc. In this small boon the whole object is included. Similar is the case of *swarājya*. If we do not get *swarājya*, there will be no industrial progress, if we do not get *swarājya* there will be no possibility of having any kind of education useful to the nation, either primary or higher. If we do not get *swarājya*, it will not do merely to advance female education or secure industrial reform or social reform. All these are parts of *swarājya*. Power (is wanted) first. Where there is power there is wisdom. Wisdom is not separate from power. If it be, it becomes useless. In no nation this proposition is required to be made particularly clear. But it is required to be explained in a particular manner to our people. The reason of this is that there is no *swarājya* in our country. Some people raise this objection against our party: Why do you not effect social reform? This is said not by us but by those who do not mean to give rights of *swarājya* to us, but wish to transfer the train of our agitation from one track to another. There are many people who have effected social reform among themselves. Social reform is thoroughly introduced in Burma. There is one religion. There the people are prepared for any thing. Their children marry any one they like. (But) that country is wholly immersed in a state of dependence. There is no spirit of nationality in respect of anything there. Then, what is wanted? We are one nation. We have a duty to perform in this world. We must get the rights which belong to man by nature, we want freedom. We must have in our hands the right of carrying on our affairs. If you do not get these things, no reform would be fruitful for you. That is the root of all reforms. No power, no wisdom. Mere book-learning is useless. If you believe that the people who have come to rule over us are superior to us in intelligence and learning, such is not my own belief. We can show as much learning, as much courage, as much ability as they. Perhaps they may not be apparent now, but they are in us. There are conjunctions in history as well as in astronomy. When the Muhammadan rule was declining, the Marathas had only recently risen. Afterwards, the English having set foot in this India, the whole power has passed into their possession, and their power is the cause of the admiration which we feel for them and the pride—be it true or false—which we feel for their ability. And when even a small portion at least of this power comes into your hands, then your wisdom will be of any use. Many things are now wanted by us. Our industries must be improved. But why was it stopped? Who stopped it? If we begin to look out for the cause of this, (it will appear that) we did not stop this industrial reform, we did not stop this economic reform. In that nation, in which there is a way and there is liberty to rise and to show one's ability, good qualities flourish. Where there is utter slavery and bondage, what qualities will be developed?

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Nothing will happen except with the pleasure of the master. You will advance only as much as he will allow you. If you possess wisdom, when you assist some great officer and he commends you, then you think that you possess ability. This is a sort of feeble-mindedness—want of spirit—and it has enveloped the whole nation. You say 'I cannot do it'. You never did it, no one gave you a *sanad*; even before it you make an outcry that you cannot do such and such a thing. Saying so they take to some other path. In my opinion it is a great misfortune that, in our Maharashtra at least, some people should bring forward this excuse in the above manner and come in the way of the agitation which is carried on for the acquisition of the rights of *swarājya*. Have we not done these things? Think of this. Maharashtra certainly possesses a quality that can be utilized for the nation. But at the present time we do not get an opportunity of making use of that quality. And our mind does not turn to some other thing, such as female education or this or that thing (simply) because that opportunity is not given to us (cheers). If any one else sees any danger in this, he may do it, but my mind cannot be convinced, has not been convinced, nor do I think that it will be convinced during the few years that are left (cheers). It is vain to speak of other subjects. At present our people are not endowed with heroism, courage and learning, when our women are educated their generation will become of that sort, but even that is to arise from our own seed (cheers). If any one has such a belief (as the above) that is wrong. I do not say that female education is not wanted, but when they tell us to turn to it, in order to stop this agitation on this side, then we say: this is a remedy to kill the nation. If you do not possess strength, if you have no pluck to acquire anything, it is quite foolish to take an educated wife and say that the issue begotten of her would be of the above sort and that those our sons would make some exertions in order to discharge the obligation (under which they would be to us) (cheers). You must stand on your own legs. You must bring about these things. And you must first bring about the chief of those things. The experience of those who have made exertions for the past fifty years is that this *swarājya* is the key to all (things). And if this does not come into your hands, then (if you say) 'We shall effect this reform after making exertions (for) minor (reform)'. If you mean to effect (it thus) do so, I have no objection (to it). But that will not be helpful to this (*swarājya*), is not helpful to this course. And I am to speak again to-day on the same subject on which I spoke yesterday in accordance with the same opinion. Yesterday I told (you) what *swarājya* means. By *swarājya* it is not meant that the English should be driven away. It does not matter whoever may be the king. We have nothing to do with the king. When we get our rights, that is sufficient. And whoever might be the king over (us), those rights can be obtained. There is a king in

England. But have the English people rights or not? The King of England is himself our Emperor. Hence, if, while his kingly position is maintained in England, the English people obtain rights of freedom, then what difficulty is there in our obtaining the rights of British citizenship, the same King continuing to be Emperor in India? No difficulty of any sort remains. This dark imputation which is made, *viz.*, that the agitation about Home Rule—*swarājya*—is seditious and in the belief of which as sedition a security of 2,000 rupees was taken from Mrs. Annie Besant the other day—this imputation, this accusation, does not come from the Emperor, or from the subjects, but from the intervening granary-keepers (cheers). The duty which you have to do is that this administration must be changed. The King need not be changed. Unless the system—the arrangement—according to which the present administration is carried on is changed, every man in India will become more and more effeminate. The duty which we have to perform is that. Such are the institutions of slavery. Some people say, what does it matter if there is slavery? Is it not that (they) at least give to eat? (They) do not (starve) any one to death. Even the beast and birds get to eat. To get to eat is not the aim of man. To feed the family is not the end of man. 'Even a crow lives long and eats offerings.' A crow maintains himself. They have not to raise crops. They get every day cooked rice to eat. I do not consider it manliness (merely) to maintain oneself (and) fill the belly, to obey the commands of the king after accepting those posts which may be kept open within the limits laid down by him (and) to maintain oneself according to his direction. This nature is common to beasts and men. If there is required the quality of manhood in man, then (it must be seen) whether there is any scope open for our intellect, our ability, our courage and boldness. Such scope is not open for India. Therefore, if you have any duty (to perform) then the first duty is, take a portion of this authority into your possession it does not matter if you take a little portion of it; as the President (Mr. N. C. Kelkar, President of the Nagar District Conference) has said briefly, if we do not entertain the hope of being free to act (in matters of) spending our own money, deciding according to our own understanding, according to the consent of five or ten men as to what purpose the tax which we pay is to be applied, then, according to the law of nature this kind of hope or thought which is in the minds of men will gradually lessen, and to that extent we shall more and more descend to the level of beasts. *Swarājya*, *swarājya*, what does it mean? And what will be the (effect) of, it? Does *swarājya* mean that one Collector is removed and yours has come? If the native Collectors remain and in the end the English Collectors come, we want them. There is no objection to say, remove such and such a man (and) make such and such an arrangement in such and such a place. Perhaps, a white man when paid will be a servant of us too; if he be good we shall also keep him. The question is not

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at all about individuals. The question is about the nation. The chief question is whether a certain nation is to be treated like beasts or considering the people in the nation to be men, their sentiment, their desire for liberty is to be bent in some (direction) (and) they are to be brought and placed in the rank of civilized nations. And (if the matter) be considered from such a standpoint, then there is no other way (to accomplish this) than (the acquisition of) *swarājya*, than the possession of authority. When that authority will once come into our hands, then we shall be able to do thousands of things. Such a great attempt was made at Poona (to close) a liquor shop at Ghoda—which may be bringing a revenue of a thousand or two to Government. But it is not under our control to close it. Why is so much correspondence (required) to (decide) that a liquor shop should be started at a certain place or should not be started (there)? I think that the annual profit of the shop may not be equal to (the price of) the paper that may have been used in connection with all this business (laughter, hear hear). This business which goes on in the present system should be put a stop to, this high-handedness should be ended and the authority should come into our hands. By the authority coming into our hands the hereditary qualities which we possess will be heightened. We shall find a way to make a use of those qualities in some way or other. That (is) *swarājya*. *Swarājya* is nothing else. What if it be to a small extent? It does not trouble you. It does not trouble you as much as it should. (If it be said), one sits at home, does some business or other, gets some money, maintains his children,—this much will suffice, wherefore should there now be the movement for *swarājya*? The only answer to this is the one idea in respect to the nation, *viz.*, that there is in this world something more than ourselves, that there is one more duty of bringing about the good of a greater number than yourself—this duty you have begun to forget. There was a time when in this country, among the succession (of great men) in the Maharashtra there were able men who were awake to ideals. But owing to fate, this human nature has not remained. If another man begins to do our work, we say, good. When the work is done, that is sufficient. But the discrimination where to say good and where not has left us. The English people carry on our administration, you are sitting quietly. If there be any dirt in the cattle-shed they sweep it away, look to sanitation, feed them and water them at the proper time,—but have the cattle put the question that this management should come in their hands? (Laughter.) The difference between the men and cattle is that the Collector of Nagar looks to sanitation, tells what should be done if a disease comes, makes arrangement if a famine comes, takes measures that no calamity may befall you. That is to say, your condition has become like that of a parrot kept in a cage; such a condition is not wanted; the cause of this is not merely that they make things go, but that owing to that arrangement all the (good) qualities

possessed by us are gradually disappearing. In order that those (qualities) may not disappear, we must be at liberty to do what they do; other things (lit. subjects) than those done by them are not to be found out; (we) are not to leave (alone) what they do and do any other thing we may like. The same (thing) is wanted. We want the same power to be in our hands. There is only one objection to this. But it is very bad that such a condition should arrive. A story was published in the *Kesari*; Rabindranath Tagore has given in his autobiography a poem of this sort about (a parrot) kept in a cage. It narrates in full a conversation between a parrot kept in a cage and a free parrot. The free parrot said to the parrot in the cage 'There is such fun outside; one can roam so much, go anywhere one likes, can eat at any time one likes. Have you got such joy?' The parrot kept in the cage replied 'Sir, what you say is true. But where can this golden perch be obtained after going out?' Our condition has become like that. If *swarajya* be got, how are we to manage it? No one gives, no one takes. Your anxiety is, if *swarajya* be got how are we to manage it. We are not fit. If the said parrot went out, how was he to get the cage and the perch to sit on, etc. We have reached just the same condition. This condition is not natural. It is artificial. Just as that sentiment arose in that parrot's mind owing to his being confined in a cage for many years, so also the above sentiment arose in our mind owing to the above powers having passed out of our hands. This is not our original natural sentiment—the natural human sentiment. As that is not the parrot's natural sentiment, just so this is not the natural sentiment of our nation. This must be borne in mind at first. We become fit to do the work that falls to us. We are the descendants of those people who were fit in this manner, and if we be their true descendants, their or the same qualities must become manifest in us when we have that opportunity. And we must make exertions for it with the confidence that they will (become manifest). This is what I say (cheers). If heredity (lit. hereditary effect) has any value, recognise it, otherwise at least give up calling yourselves the grandsons—great-grandsons—of such and such a person. There are now many *sardars* in our country. They say that their grandfathers were *sardars* and that they also have inherited the qualities of their grandfathers' blood. But in order to save the vatan acquired by them (the grandfathers), they serve Sahebs in any manner they choose; well I say, they began (to do) so because they are *sardars*. But why should you or we, who have nothing to obtain, run after them? A sort of shadow has thus been thrown over the nation, and we have to get out of it. This is an eclipse. When the moon is eclipsed, alms are given for its becoming free. You are not prepared to spend even a pie to put an end to the eclipse which has overtaken you, nor are you prepared to move for it. When the moon was eclipsed, the Brahmans of ancient times used at least to make *jap* (repeat-

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ing passages from Vedas, etc.). Do you make any *jap* at least? Are you making exertions for this? Are you prepared to pay a few (lit. two) pice to any one for this? No, nothing. They only raise this objection. If (powers) be given to the Hindus, what are the Muhammadans to do? If the rights of *swarājya* be given to the Hindus, the Muhammadans would not get (them). As if (we) cannot afterwards duly consult our Muhammadan brethren and come to a settlement! If powers come into our hands we would exercise *zulum* over the Muhammadans, and if powers pass into their hands they would exercise *zulum* over the Hindus! These (men) come to tell you these things on the people's behalf. Who are they? Why do they tell you these things? To delude you. This must be considered. These civil servants are far more clever than you. They want to keep power in their hands. This case is like that of (the story) 'of the three rogues.

When you make a demand in political matters you are told 'You are effeminate.' The Muhammadans are opposed to you. (So will they say.) If the Muhammadans say that they have no objection, (they) point their finger at a third thing. In this manner this roguery is practised. Without being deceived by this roguery... I do not say to any of you that you should do unlawful things in order to acquire these rights. There is a lawful way. But that lawful way is such that you must not listen to others at all. You must be prepared to say resolutely that you want what is yours. So long as you do not make a resolution in your mind, as soon as some police officer comes (and asks you) 'Well, had you gone to Mr. Tilak's lecture?' (You answer) 'Yes, I went towards the end (of it), sat at a distance, and could not hear the whole.' (You) cannot deny, as the Police officer has seen (you). Why is there such a fear in your mind? What is there to fear in saying that you want *swarājya*? It is here that the difficulty arises. When subsequently asked by the people who had attended the lecture, he tells the truth. But if asked by the Police he says 'I did not hear it well, two or four were telling, what could be done? Well my opinion is not like his.' Such shuffling will not do in this matter. No goddess is propitiated by shuffling. That goddess knows what is in your mind, and of all these knowing goddesses, the goddess of Liberty is most particular on this point (lit. subject). Ask what you want and they will give it. Perhaps they may say 'no' once or twice. How many times will they say 'no'? They must be convinced that there is no shuffling in this matter. They must be convinced that there is no other course, unless effort is made. It is the business of every goddess to frighten you until it appears that there is something in you. If we look into our *yoga* science, (it appears that) a goddess has to be won over. They begin to frighten (us). If there is success, all right. If without yielding to fear, we do our work resolutely, the goddesses of the *yoga* science will become propitiated. This

admits of proof, this is the rule. Even in political matters there is no other rule—no other way. We want it, we shall secure it (*swarājya*), and we shall not give up our exertions without getting it,—unless there be such a firm confidence in you this thing would not be obtained at all. This fear will remain behind, the Police will remain behind, the C. I. D. Collector will remain behind, in the end that thing will be obtained. You must not be afraid of their blustering and bawling. Nay, (you) must consider that this is a definite consequence of this. There is a saying in English 'How can light be seen without going through darkness?' To rise in the morning, the sun has to go through darkness. I tell you the belief of the common people, and not a proposition (lit. belief) of science. Without going through darkness, light cannot be obtained. Without getting out of the reach of these blasts of hot air, troubles, and people's blustering and bawling, liberty cannot be obtained. Resolution is wanted. I told you what is *swarājya*. Efforts for it must be begun as much strenuously...By the grace of God the world's condition is at present undergoing a change. To speak in the language of faith, God has become ready to render help. But though God be ready, you are not ready (laughter). God is quiet. Should a gift be sent to you from heaven! Nobody at all sends. Even God does not send. And if he sends, it will also be of no use. For when you are afraid, what already exists may afterwards disappear. If this gift is given, how is it to be used? That is to say, if there be any place of God, you will send it to his house. You will send it if it can be sent by post (laughter). After there is (rise of) such a sentiment, after authority of this sort which forms part of the national rights of which I have told you comes into your hands, what will take place? What will be the effect upon the nation? This I am going to tell to-day. I have told you what is *swarājya*. My friend, Mr. Kelkar, has already told you that *swarājya* does not mean that our authority is to be established here by driving away the English. Some people will have to be driven away. (*Swarājya*) is not driving away the King and taking his authority into one's hands. It means taking into the hand the subjects' rights. If it be carefully considered if England derived any benefit by keeping this one nation a slave, it will be seen from the condition of the whole of the world to-day that England will have some day or other to give liberty to the provinces and countries forming parts of the Empire under its control. This thing is to take place some day. It must take place. But if you do not do anything then only it will not take place. After keeping awake the whole night, you feel asleep when the thief came, such will be your condition. The time is coming. Perhaps the nature of the change occurring in the world—in other nations—will by the grace of God prove favourable to you. But (if) the time be favourable, it will be of use if you are awake. Otherwise (once) you sleep, you will sleep on. Owing to this, what will it avail even if we get the rights of *swarājya*?

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A. CR. J. I will briefly give you a picture of what will happen. What happened during Peishwa's time? We must examine history a little for it. At the time of the Peishwas the administration of Maháráshtra was going on well. Elphinstone was the Saheb who brought about the fall of this rule of the Peishwas, and who became the Commissioner after its fall. That Saheb is witness (to what I say). Though the city of Poona was such a big one, there took place no dacoities (in it) at night. The consumption of liquor was *nil*. It was altogether prohibited. The original system of *jamabandi* which was once settled by Nana Farnavis, was itself copied afterwards. Nay, the science as to how accounts are to be kept took its rise among us under the Peishwa's rule and those very accounts are now kept. We know how to administer provinces. The C. I. D. of Nana Farnavis was so very excellent that information as to what a certain *sardar* spoke to a certain man at the time of dining used to be sent to him (cheers). The following incident is said to have happened at one time. The Bombay Government had sent ammunition to the Resident in a palanquin by way of the Khopoli Ghat. An order was issued from the Poona Dafter that the palanquin which might come on such and such a date should be stopped on the Ghat. It had the information that ammunition was to come in a palanquin. Afterwards the Resident complained "Why is our palanquin stopped?" Thereupon he received a reply from Nana Farnavis, "You yourself think about it. We have attached the palanquin and will not let it go. The King must needs be informed what has taken place and at what place. We have done it." (So he was told. The C. I. D. is wanted. Who says no? If the King has no information (he) will not be able to carry on the administration. We have no complaint against the C. I. D. (Our) complaint is about its method of working (cheers) (hear). That method is not under our control. He who has to carry on the administration, must have all departments. Police is wanted. C. I. D. is wanted. Revenue (Department) is wanted. Judicial (Department) is wanted. All departments are wanted. Where (then) is the difficulty? There is difficulty in one matter. All (the departments) must be under the control of the people—our control. The difficulty lies only in this. Several people have formed the opinion that the English are the most civilized, we too must civilize ourselves, who does not want civilization? All reforms are wanted. During Nana Farnavis' time letters had to be sent; now the C. I. D. will send a wire. Means have become available. The administration is to be carried on by making use of all these. But the whole of this system of administration existed at the time of the Peishwa's rule. Consider what has taken place now after the break-up of that system. When Peishwa's rule passed away, Nagar, Sâtara, Poona, which were in the possession of the Peishwa himself, came into the possession of the English. The lieutenants of the Peishwa at that time were great generals. Gáekwar (lit. Baroda),

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Holkar and Scindia were the chief among the *jahagirdars* and *sardars* who commanded the army. These three survived as all of them soon joined the English Government and the Peishwa's rule was overthrown. This is the history of 1818. What is the condition of these three to-day? What is the condition of the Baroda Sarkar? What is the condition of Holkar? What is the condition of the Scindia Sarkar? And what is the condition of the territory of the district(s) adjoining Poona? Think about this. These three or four districts having gone into the possession of the English Government, the whole of their administration gradually passed into the hands of a bureaucracy. The policy of this bureaucracy is not to listen at all to the people. First Governor, then Commissioner, then Collector, the Collector's subordinate the Assistant Collector, Mamlatdar, Aval Karkun, Fouzdar, Police sepoy—such is the arrangement of the whole of the bureaucracy from first to last. What is to be done for the people is to be done by them. The Government above issues order in respect of anything which it may think beneficial or harmful to the people, and according to it steps are taken below. At first (this arrangement) was thought very good. The disorder under Bajirav's (rule) was put an end to. They said they were safe now. They saw the ghee but not the rod (laughter). It began to be seen gradually afterwards. All authority went under the control of this bureaucracy. And the remaining people got education. (They) began to make use of railways. A telegram can be sent if (some one) is to be informed whether I am coming to Nagar or not. Education was received. All these benefits were got. But all this authority went into the hands of the bureaucracy. It had passed (into their hands) to some extent at the time of the Company. And (it passed wholly into their hands by) the Government of India Act passed in 1858. It is 58 years now since that Act was passed. What has happened during these 58 years? The officials became powerful, and possessed of authority. The people's authority became less. To such an extent that (it was said) we do not want the Kulkarni, we want all servants. Whatever hereditary rights (lit. powers) we may have possessed they too have gone. (This) did not strike (us) when the Inam Commission was appointed. That cannot be helped. They said Vinchurkar was a *jâhagirdâr* at that time. He was the master of the army. Some one was an officer of an army of 10,000, while some other was the officer of an army of 15,000. They were told 'You have to supply an army of 15,000, while you have to be paid 15 lacs of rupees of which you have to spend 14 lacs. Then, take one lac of rupees.' They consented. (The amount) can be enjoyed while sitting at home, then what? This is a great principle. Nobody said at that time 'We lost our right (lit. authority) to keep an army, to fight for Government'; nobody thought so. (It was thought that) Government was good (as) it gives to eat while we sit at home. What more is required? We have been reduced to such

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a condition owing to this state of things. In 50 or 60 years all the powers of this province have passed into the possession of the European bureaucracy. You should not understand from this that I call the European bureaucracy bad. They are very much learned. These posts are given to the best students from England. Their abilities are greater. But even if all this be admitted still (it is a fact that) they have to undergo great wear and tear while working for us (and) the climate of England being cold and that of this country hot, larger pay has to be given to them. Having come for our good, will you say 'no' to them? (laughter). All things are admitted by us. I do not also deny that they may perhaps be working a little more than we. I only say, when we are ready to do the work, when it is our work, why (give it) to others? Nor do (I) say that they do it badly. Our minds have begun to grow weak owing to restriction being placed on our work (and) against our interest. Our enthusiasm has begun to become less. Effeminacy is increasing. Therefore, we do not want this. I do not say that they are not wanted because they are not educated. They are good. They are merchants. Will you not get for your shop some agent more clever than yourself? There may be (such men). But will you give your shop into the hands of such an (lit. that) agent and stand aside, taking such money as he will give? This is indeed a question in business. It is a question in any matter. Such was the management of this province. What became of Baroda? Look at the history of Baroda. There are such writings in the history of Baroda. And what he could do there by degrees was not done here by degrees. The *gádi* of the Maharaja of Baroda had to be perpetuated. That was (lit. is) a matter of regular succession. That is a part of history. Formerly Baroda used to be managed or supervised from Poona, and the rest was done by the Kings of Baroda. It might have been done by other kings. Therefore, if you become ready now by receiving education here (you) go to Baroda and ask for service there. There are men educated in Poona and Bombay, who are District Magistrates, Munsiffs, Subhas and Diwans there. There are Naib Dewans (and) High Court Judges. These people are working there. They work (there) without complaint (being heard about them). Then where is the objection to the same being done here? If men from the districts of Poona and Sâtára go and conduct the administration of Baroda, what objection is there for them to carry on the very same administration in the same way in this our province? Who has taken objection? The nation being divided into two parts, one part—the Marathi nation—went into the possession of the English on account of some historical reason, and one remained in the possession of (native) Chiefs. One part says that the people of this nation are fit to do work. In the other part the authorities say that they are unfit, and we too saying ditto to them, begin to talk like them. There are two standards, two sides. Then, what is wanted

when (one talks of) *swarajya*? Now you will see, where is the objection to make the very same arrangement with regard to Poona (and) Sâtâra as exists in Baroda? The authority of the English Government will remain. It is also over Baroda. The Chief of Baroda is not an independent king. When the Peishwa's rule existed in Poona, the treaty of Bassein was made (in the proportion of) 10 to 6 annas in the rupee. Had the state of Poona remained, they too would have been able to manage it. Sâtâra and Nagar could have been managed by them. The same management exists in the Nizam's territory. *Swarâjya* means this much: Give those rights which Native States have and which the Baroda and Scindia Sarkar have, to Poona and Satara after forming them into a State of the Central Division. One difference must, however, be made in this. Now a hereditary chief will not do for us. We shall have to elect our own President. This (is) the only difference. It is a historical puzzle or inconsistency, that the province which was the capital of the Marathas should not be given the arrangement which exists in Native States, while those provinces which were dependent on that province should have it. There is no reason for this. Why should we not become like them? I have told you that the Gaekwar and Scindia have sent money and armies to Europe for the war. If (these districts) had been in our possession, we too would have done the same. This thing has nothing to do with (the question whether) the British Government will go or will remain. But the only difference lies in the continuance or the disappearance of the authority of the bureaucracy, the foreign bureaucracy. This is the difference between the arrangements. There is no difference as to the sovereign authority, which is at the root. I think Mr. Lawrence had formerly suggested that (in view of) the *swarâjya* agitation going on India should be divided into separate Native States, that some experts should be kept there, and only the powers with regard to making treaties with foreign powers and the management of the army and the navy should be kept in their (lit. our) hands so that the English rule may not be in danger. (I) do not say that you should not retain these powers. In the arrangement of *swarâjya* these will be the higher questions of Imperial politics. England should freely retain in her hands the questions as to what kind of relations should subsist between India and other nations, whether war should be made for a certain thing or not, and what policy should be followed when relations with foreign nations arise. Those who want *swarâjya* do not wish to interfere with these things. What we want is that just as we are to-day managing our own (things) in Native States, we want authority to do the same with regard to ourselves. We shall expend on such and such items the revenue which we get from taxes, we shall spend it on education, if there is less revenue from liquor we shall decide what other taxes should be imposed in lieu thereof and arrange accordingly, we shall manage trade, we shall manage all affairs, you should not interfere in

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A. CR. J. them. The people of India do not go to any other nation.  
 1916 Why do they not? See, if you want to, whether they join  
 France or Germany. If there be still a doubt, one must be  
 able to understand from the present state of things that if  
 EMPEROR Indians are prepared to have connection with any particular  
 v. country that nation is England (cheers). We will not be  
 BAL G. TILAK benefited by England going away and Germany coming in  
 her place. We do not want the thing. Even if the matter  
 be viewed from another practical point of view, England is  
 here for 100 years, (while) Germany will be a new comer, and  
 its energy will be fresh and hunger unsatisfied. How will that  
 do? What is, is all right. A new king is not wanted. But  
 give into our possession a portion of the powers by losing which  
 our condition is being reduced to that of orphans. It is not I  
 alone that am saying this. Mr. Lawrence has said so. (He  
 writes that) if hereafter improvement is to be effected in  
 India after war, if Government intends to effect some (new)  
 arrangement with regard to the people (lit. them), then di-  
 vide India into different parts. The question of language  
 did not enter his head, but we shall add that idea. Form  
 one separate State each of Marathi, Telagu and Kanarese  
 provinces. The question of vernaculars also comes in this  
 (question of) *swarājya*. There is no question which is not  
 dependent upon *swarājya*. Had there been general liberty,  
 there would have been a Gujarati University, a Marathi  
 University, an Agricultural University. But to do that does  
 not lie in our hands. Is the question whether education  
 should be given through vernacular such a big one, that  
 there should arise differences with regard to it? But (our  
 wish) does not prevail here. Do the English educate their  
 people through the French language? Do Germans (do it)  
 through the English language? Do the Turks impart (educa-  
 tion) through the French language. So many examples being  
 before our eyes, why should we write articles, columns upon  
 columns long, upon the subject? Why does that which these  
 people say, not take place now? Because (we) have no au-  
 thority. You have not got the authority to determine what  
 should be taught to your (lit. our) children. So many of you  
 send (your) children to school, but do not consider what  
 will become of them. In short, there is no question at pre-  
 sent which is not dependent on *swarājya*—on authority.  
 Ranade and others have (up till) now made efforts with re-  
 gard to the Fergusson College and the University. But who  
 is to be prevailed upon? Government! They know what  
 arrangement there was in their country. Why should the  
 same not be here? (For) imparting English education to all,  
 the English language has to be taught for seven or eight  
 years. Eight years is not a small (part) of life. Such a  
 State of things) exists nowhere (else). This arrangement  
 does not exist in any civilized country. If in spite of this  
 your attention is not drawn towards *swarājya*, then be sure  
 that there is something wrong with your eyes (cheers). What-  
 ever you have to say, whatever prayer you have to make to

Government, let that prayer be for giving authority, and not for anything else. We want those things which are the leading ones under this rule. I have already told you that wherever we go (our path) is ultimately obstructed. The question of education is an ordinary one. There must be schools in each village. Whence is the money to be brought by us? (We) pay taxes to Government. Do we pay them for nothing? Let us have the system prevalent in England for imparting education. There is money in the treasury; it is utilised, it is paid for other purposes; but it is not expended on those things which are necessary for us. Therefore, what I have told you lastly...India is a big country. Divide it if you want according to languages. Separate the Marathi (speaking) part and the Gujarati (speaking) part. But how are the Hindus and the Musalmans to be taught in them? I am going to speak about this also. In Canada the population consists of Frenchmen and Muhammadans. If English statesmen could settle (the question) there, would they not be able to settle how Hindus and Muhammadans should conduct themselves (here)? Thus these are excuses for not giving us these things. This you must believe firmly. If India be divided into different States in this manner; The province of Bengal is separate. Instead of appointing over it a Chief from this side, I say, a European Governor may be appointed for some years. What used to happen before a president elected by the people was secured? A Governor used to go from England to Australia. He was obliged to work in the Council as he was told. Here, it is contrary (to the above). If you want any thing, a resolution is to be brought before the Council, much preparation is to be made, figures are to be collected, he does not get even a pice. The other (members of the) Council are paid. He has to work for nothing, and at last the resolution is rejected. Though it be passed, Government cannot be forced to give effect to it. It is a childish thing. (I think that he) who does not think it so possesses proportionately less patriotism (cheers). This is like setting (us) to fight by throwing grains of boiled rice, without giving anything to us, without giving any power to us (lit. without our possessing any power). If any rights will be obtained from this in future, if any power will come into our hands, if (this) be given to us as a step towards the above, then it has a value, otherwise it has no value. What does happen? This is the science of setting good and well-educated men to fight for two or four *ghatkas*. Hence, bear in mind what will result from *swarājya* and what we ask. In (asking for) *swarājya* we ask that in the end there should be such States throughout India, that 'at first Englishmen coming from England and at last presidents elected by the people should be appointed in these States, and that a separate Council should be formed for (disposing of) questions relating to the whole nation. Just as there is an arrangement in Europe, America and the United States, and just as there are different small States

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and there is a Congress to unite them together, so the Government of India should keep in their hands similar powers of the Imperial Council. There are at present seven or eight different provinces; make them twenty if you like, and make such an arrangement in respect of those provinces as will give facilities to the people, meet with their approval and place power in their hands. This itself is what is meant by the demand for *swarājya*. The demand for *swarājya* does not mean that the Emperor should be removed. Perhaps, for this arrangement you may have to bring English officers in some places. This is admitted. But those officers will be ours, will be of the people, will remain as servants of the people, will not remain as our masters. The intelligence of our people will not alone suffice to bring about the reforms which are to be effected in India. We shall have to bring men from England or America, but those men will be responsible to us. They will not be irresponsible. Hence, from one point of view, it cannot be said at all that this agitation is against Europeans. To whom would they be responsible? To themselves or to us? So long as this responsibility has not come to us, (so long as) their responsibility has not come under our power, it will continue to be just so! Till then, our efforts will be vain, though made in any direction; till then, in whatever other matter we may make any movement, it will be ineffectual, and the desired object will not be accomplished. As long as a nation is not free to bring about its own good, as long as a nation has no power to make an arrangement to bring about a certain thing which it may desire, so long, I do not think, your belly will be filled if you are fed by others. Now the people know, some people are convinced, that the people's good cannot be effected by what is called 'despotic rule' in English. Hence, my object is to tell you that you should make efforts. If my words fall short of (expressing) it, that is my defect, not a defect in the idea, which is faultless. All these things, their different natures, cannot be placed before you in a single lecture. As regards this idea of States about which I spoke, there are many questions, *viz.*, what arrangements should there be in them? What rights should there be in them? And what amendment should be made in the India Act of 1858 about consolidation? And though I may deliver not only one but four or ten lectures, they would not be sufficient (to deal with those questions). Our principle is one—about this alone I have to speak in (this) lecture. Those of you who are competent, by virtue of intelligence, wealth or in some other manner, to consider these things, will spontaneously know that these things are wanted. Why ask, 'Will this be obtained? Will this be obtained?' To acquire it or not lies in their hands. I do not understand this question at all. You are making so much exertion. (No matter) if it be not obtained. As for making exertions, it is in our hands. We need not consider whether we shall get it or not. Exert

yourself. The work which you do will not fail to produce some result or other. Have firm belief in your mind. Have not any men obtained any freedom in the kingdom or not? Had goddesses fallen from above in other nations? I tell you plainly that if you have no courage, (it) will not be obtained. If there be courage, if it be not obtained to-day, it will be obtained to-morrow, it will be obtained after 10 or 20 years. But you must make efforts for it. The principle of your religion is this 'You are only to work, you are not ever to look to the fruits.' Why is this said in the Gita? Is it for going to worship, for obtaining a *sher* of rice by reciting Puran? Great religions tell this very thing. The Western history tells this very thing. In spite of this, will you ask 'What will become of us? How shall we fare?' 'As made of a ball of earth, etc.' There is a ball of earth. We have it to be called Vishnu. We have it to be called Shiva. And we impart so much importance to it that it is worshipped by the people. Lo! (it is) merely a ball of earth without any movement. When dropped on the ground it falls down with a thud. We can give a form to that ball by some act, exertion (and) ceremony. Now, these our bodies which are, unlike that earthen ball, endowed with life.....If a form of some sort cannot be given to an earthen ball, it must be said to be your fault. It is possible to give them a form. Do not make haste. Nothing will be gained by it (haste). If you work resolutely, a different form can be given to an earthen ball. This thing is told in the *shastras*. It is proved. It is proved by experience, proved by evidence, by history. If, in spite of this testimony placed before you, you are not convinced, if you are not satisfied, at least give up talking about the country attaining a flourishing condition afresh. Do not bother our heads. These things are capable of happening—must happen. There must be such faith. That faith brings about works. Where that faith does not exist. What is to be done then? They do not give anything, they only say they would give—such an opinion is not wanted. I do not say that what may be given should not be taken. Take what is given, ask for more, do not give up your demand. (Laughter). We want so many rupees. You gave one hundred. 'Take one hundred from another'—why should you have such an opinion? If even (some) out of hundred be not offered, what have you now to say against them? (Laughter). We want one thousand. When we get a thousand rupees, we shall be satisfied. If 1/10 of a hundred be given we shall thank (you) (laughter). Not that we shall not thank (you). This is human nature. If my paper falls down, I shall say 'thank you' when you give it to me. This is human feeling. I do not tell (you) to give it up. But the humanness of man lies in securing those aspirations which are included in this feeling. All these other feelings must be treated as servants of that feeling, that exertion, that one goal. When this is done *swarājya* will be obtained. *Swarājya* is not a fruit (so) that it may at once fall into the mouth from

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the sky. Another man is required to put it into the mouth. This is such a work. And for it this beginning is made. The paper which my friend Tatya Saheb has now given into my hand is of such a sort. The work has been begun a little in India. Mrs. Annie Besant has established a Home Rule League at Madras. Here also we have established one. And in the same manner a Home Rule League will soon be established in Bengal or elsewhere. If, perhaps, the Congress will take up this question and itself establish a league the other leagues will be merged into it. The same work is to be done. This work is one and you are to do (it). This is question of (securing) benefit. We have to obtain *swarājya*. I have told you what sort of *swarājya* is to be obtained. I told you what change it will hereafter produce in the present condition. The House of Lords have begun to have such dreams. Lord Hardinge said that the Civilians will soon have to place in your hands the rights belonging to you. The people belonging to the party opposed to you in this matter have begun to have bad dreams (laughter). While you alone (say) 'We are unfit, we shall not take this'. Whence (does) this obstinacy (arise)? (Laughter). What is the rationale of this? (It is that) they have begun to have such dreams. They think that some or other arrangement of this sort will have to be made. The work you have to do first (is this): You must make agitation in the whole country and convince every man that this alone is our goal. For this we have to work. Nay, we must settle what is it we want, what arrangement should there be—this demand must be settled. We must go to England and convince the people of it. And when this subject will be discussed in Parliament this subject must be placed before it in a proper manner. That 'proper manner' means that a bill to amend the existing India Act must be brought before Parliament. What we have to demand is this: Amend this Act for us. When the East India Company was abolished and the rule of the Queen's government came, this Act was amended, *i. e.*, minor amendments were made in it. We want to have it amended in a certain manner. And this is wanted not merely for our good but for the good of the Empire. To make such a demand of them is a part (lit. business) of that work. This work must be done with the help and acquiescence of all. There must be left no difference of opinion about this. The Moderates and the Nationalists have one and the same goal, one and the same demand is to be made and one and the same (thing) is to be obtained. For doing this work which is to be carried on by entertaining this sentiment, a separate institution called the Home Rule League is established. This subject is placed before the Congress. But as the Congress is to assemble once a year, when once an opportunity is gone, (another comes) in the next year. But we have to do this work throughout the year. This is admitted by the Congress. With this object we have established this League. Not very great exertion is required for this. Recognize this goal. We have a right to demand (the

fulfilment of) this goal. The demand for money made to-day is only this: Every man should pay one rupee. The admission fee is Rs. 2. But if this is not to be paid, pay at least one rupee. If one *lakh* out of thirty crores of people be not found (willing to pay), then at least cease to prate about India. Do not tire our ears. I do not think that more than a year will be required for this agitation to become successful. The subscription for one year is fixed at Re. 1. It is not necessary to carry on the agitation for 10 or 20 years. Such a time has come. Hence if you are not disposed to make the self-sacrifice of taking one rupee out of your pocket for this agitation then at least do not come to the lecture, so that it may not be necessary to talk so loudly. If you have to do anything it is only this. The people belonging to this institution are prepared to make the remaining arrangement. For this purpose many lectures like this will have to be delivered in various places. People will have to be got together. (The matter) will have to be explained to the people. If the police come to stop (the proceedings), if it is not (allowed) here, we must go elsewhere and assemble. We must go there before the police go. We must persist. Do not think that this can be obtained easily and pleasantly. One rupee is nothing. There must be resolution of the mind. If any one comes to ask, you must plainly tell him: The goal we demand is lawful. We have become its members and paid one rupee. We want that thing. You must say this fearlessly. If you have not the courage to say this, that is a different thing. I trust that this thing will be considered good by the whole of India, perhaps by your descendants if not by you. Though you may not have the will, this thing must be done. If not you, the people of the next generation will make efforts, but they will call you asses. If you mean to put up with this, then I have no objection. My own conviction is that it will be obtained. Bear in mind what work you have to do, and what help you have to give. Perhaps there will be trouble from the police, this is not denied. (If they ask) 'Well, have you become subscribers? Have you become members?' You must say 'Yes, we have become'. Such is the law, nothing else will happen. If a prosecution be instituted, the pleaders in this (institution) will conduct the (defence) without taking any fee (laughter). If a rupee be paid for this work, that would not be sedition. More than this (*i. e.*, paying Re. 1 and becoming a member) you have not to do. This League undertakes to do the remaining work. (Strange) that the people of Maharashtra should remain quiet at such a time! We want all, whether they be Muhammadans, Hindus (or) Marwaris. Among these there are none who are not wanted; in this there is no distinction of caste or religion. This work is to be done for India. I have already stated on a former occasion at a certain place, that there is a (practice) amongst you traders that they keep one anna (in the rupee) out of profits for cow-protection. Such is your habit. I ask, 'Why should not the traders give to us a pice or half pice in the anna for this (object)

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also? India is a great cow, not a small one. That cow has given you birth. You are maintaining yourselves on that cow's industry, on her fruitfulness, (and by) drinking her milk. (You forget that cow, but (lit. and) on seeing the accounts, one anna, one anna (is seen) debited in (her) name. (For cow-protection.) For what is (the anna) taken out? For giving fodder to the cow, for rescuing her from the hands of the butcher. We are dying here to-day without work. But does the idea ever occur (to you) that this is a cow for you? That idea never occurs (to you). This is a work for the protection of religion, (and) for the protection of cows. This is the work of the nation (and) of political progress. This (work) is of religion, of progress. (I ask you) to take into consideration all this and to assist us as much as lies in your power. I have already said we do not ask for more than one rupee per man. He who has the ability should obtain the merit of protecting the cow by paying this one rupee at least once to this institution. This is a great work. If sons of the cow will not care (about) this then you shall have to be called bullocks, as the sons of cows are called (laughter). You shall have to be given that name which is commonly applied to cow's sons. I have told you these things. This institution has been started. Work has commenced. If perils overtake it we are prepared to bear them. They must be borne. It will not do at all to sit idle. All will be able to support themselves. Therefore assist in this manner this undertaking. Then God will not abandon you: such is my conviction. These things will be achieved by the grace of God. But we must work. There is a very old principle that God helps them who help themselves. This principle occurs in the Rigveda. God becomes incarnate. When? When you take complaints to Him and pray to Him. God does not become incarnate for nothing. God does not become incarnate for idle people. He becomes incarnate for industrious people. Therefore begin work. This is not the occasion to tell all the people to-day what sort of amendment is to be effected in the law. It is difficult to discuss every such thing at such a large meeting. Hence put together the few general things which I told you (now) and those which I told yesterday and set about to work. And at last having prayed to God to make your efforts successful I conclude my speech (cheers).

The applicant was, for making the speeches, directed by the District Magistrate of Poona, under s. 108 of the Criminal Procedure Code, to execute a bond of Rs. 20000, with two sureties each in a sum of Rs. 10,000 to be of good behaviour for a period of one year.

The applicant applied to the High Court.

*Jinnah*, with *S. R. Bakhale*, for the applicant.—In a proceeding under s. 108, cl. (a), of the Criminal Procedure Code the Magistrate has first of all to find whether the matter

complained of is seditious within the meaning of s. 124 A of the Indian Penal Code. Under the latter section, the thing protected is "the Government established by law in British India." The expression means Government in a concrete form and not Government in an abstract form, i. e., the constitutionally established Government. The expression is nowhere defined. The definitions in ss. 16 and 17 of the Indian Penal Code are not helpful. Section 17 is so wide as to include even a police sepoy in the term 'Government.' The expression has, however, been judicially interpreted by Batty J. in *Emperor v. Bhaskar*<sup>(1)</sup>. I submit that the Government established by law in British India does not mean certain individuals but means Government in the abstract form. It is not that which is transitory, occasional and temporary but that which is final and permanent: see Halsbury's Laws of England, Vol. IX, p. 463. The expression is limited in its scope to the King and Houses of Parliament: see Government of India Act (5 & 6 Geo. V, c. 61), ss. 1, 2, 20, 33.

The speeches in question are nothing but criticisms of a particular system of administration and not of the whole administration. The speaker deals with one part of the system, viz., the Indian Civil Service, which forms a part of the bureaucracy. Further, the comment or criticism is not directed against the whole of that service, but only against a part of it. The speaker does not say that the whole of that service should be done away with; he only desires that it should be brought under the control of the people. His complaint is that it has the monopoly of power and is not at all responsible to the people. If the speeches are read as a whole they are nothing more than a comment expressing disapprobation of certain Government measures with a view to obtain redress by lawful means and are covered by Explanation 2 to s. 124 A of the Indian Penal Code.

It is also essential to prove the intention of the speaker. It must be proved that the speaker intended to spread dissatisfaction. The onus of proving it lies on the prosecution. The intention can no doubt be gathered from the speeches themselves. I have culled out forty-seven passages from them which conclusively show that the speaker never intended sedition.

The occasion of delivering the speeches was that the speaker

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intended to establish a Home Rule League at Belgaum—an object which the Crown regards as permissible. The purpose of the speaker was to convince his audience that the Home Rule League was a good thing; secondly, that it was a beginning in the right direction to carry out certain reforms; and, thirdly, he wanted his hearers to be members of that league. The speeches were delivered to this end alone and not with any view of spreading dissatisfaction.

The drift of the speeches as a whole is that the speaker has to criticise certain parts of the administrative machinery of Government to secure its improvement. Throughout he breathes feelings of praise and admiration for the British rule. He condemns a particular system which is only a part of administration of the country; and argues that to bring about a change in that system we must go to Parliament and the British public. The speeches are, therefore, unobjectionable in fact and in intent.

*Jardine* (Advocate General), with *Strangman, Binning* and *Patwardhan*, with *S. S. Patkar*, Government Pleader, for the Crown.—The expression 'Government established by law in British India' must include persons or bodies authorised to carry it on. There is no warrant for the narrow construction put on it by the other side. The expression has been explained by Strachey J. in *Queen-Empress v. Bal Gangadhar Tilak*<sup>(1)</sup>. It obviously includes those persons who are invested with executive Government in any Presidency and are responsible for the administration. It must be taken to include persons who have the power to carry on the Government; otherwise, Government is not protected at all.

The speeches are an attack on every one except the King and the Houses of Parliament. It is perfectly true that the King is not attacked: he is excluded because he is regarded as invisible. The applicant is not charged with exciting sedition towards His Majesty. The speeches are a wholesale attack on every body in India from the Governor-General downwards. In fact, the whole administration is attacked. The sum total of the effect of the speeches is dissatisfaction at the present system of Government.

The question of intention is entirely immaterial for the purposes of s. 108 of the Criminal Procedure Code: *Sital Prasad v. Emperor*<sup>(2)</sup>.

*Jinnah*, in reply.

*Cur. adv. vult.*

(1) (1898) I.L. R. 22. Bom. 112.

(2) (1915) I. L. R. 43 Cal. 591.

BATCHELOR J.—This is an application by Mr. Bal Gangadhar Tilak praying this Court to revise an order made by the District Magistrate of Poona under s. 108 and the following sections of the Criminal Procedure Code.

The order complained of directs that the applicant do enter into a bond in a sum of Rs. 20,000 with two sureties each in a sum of Rs. 10,000 to be of good behaviour for a period of one year. The ground of the order was that in the learned District Magistrate's opinion the applicant disseminated seditious matter in the three speeches which are now upon the record.

These speeches were admittedly made by Mr. Tilak. They were made in the Marathi language, but the translations before us are, it is admitted, substantially correct, and in my view nothing turns upon certain small niceties of expression in which the defence suggest that the official translation contains slightly harsher words than the Marathi warrants. Thus the only question is, whether in the three speeches the applicant is proved to have excited, or to have attempted to excite, disaffection towards the Government established by law in British India within the meaning of s. 124A of the Indian Penal Code. In my opinion the application does not give rise to any real question of law. But I must notice a mistake of law into which the learned Magistrate has inadvertently fallen. Following Mr. Justice Strachey's original pronouncement to the Jury in *Queen-Empress v. Bal Gangadhar Tilak*<sup>(1)</sup>, he has held that 'disaffection' is the equivalent merely of 'absence of affection'. I cannot say whether this expression did or did not influence the learned Magistrate's decision, but it is plain that it may have done so. It is, I think, equally plain that this construction of the word 'disaffection' is opposed to all ordinary English usage in words compounded with the particle 'dis.' Dislike, for instance, is not a mere absence of liking, nor is disgust for a thing a mere absence of taste for it. This, indeed, was recognized by the Full Bench which amended Mr. Justice Strachey's definition: see *Queen-Empress v. Bal Gangadhar Tilak*.<sup>(1)</sup> The present Explanation No. 1 appended to s. 124A now sets the point at rest. With these definitions before us I say that there is not in my opinion any real doubt about the law governing the case.

Next there were on behalf of the defence two preliminary arguments on which a word must be said. It will only be

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(1) (1897) I. L. R. 22 Bom. 112, 151.

A. CR. J. a word, because in my judgment the points taken are wholly  
1916 devoid of substance or merit.

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First, then, it was said that there could be no excitement or disaffection in these speeches, inasmuch as the speaker openly and sincerely professed his loyalty to His Majesty the King-Emperor and the British Parliament. To that I have only to say that, as I read s. 124A, it is clear that to a charge of exciting disaffection towards the Government established by law in British India a profession, however sincere, of loyalty to His Majesty and the British Parliament, is no answer whatever.

Secondly, it was contended that the speeches could not in law offend against s. 124A, because the speaker's attack was made not on the Government *nominatim* but on the Civil Service only. That, I think, is not quite so in fact. But assuming it to be so, it affords no answer to the charge. For the Government established by law acts through human agency, and admittedly the Civil Service is its principal agency for the administration of the country in times of peace. Therefore where, as here, you criticise the Civil Service *en bloc*, the question whether you excite disaffection against the Government or not seems to me a pure question of fact. You do so if the natural effect of your words, infusing hatred of the Civil Service, is also to infuse hatred or contempt of the established Government whose accredited agent the Civil Service is. You avoid doing so if, preferring appropriate language of moderation, you use words which do not naturally excite such hatred of Government. It is, I think, a mere question of fact.

Passing now to the speeches themselves, they must be read as a whole. A fair construction must be put upon them, straining nothing either for the Crown or for the applicant, and paying more attention to the whole general effect than to any isolated words or passages. The question is, whether upon such fair construction these speeches offend under 124A or not.

Now, first, as to the general aim of the speaker, it is, I think, reasonably clear that in contending for what he describes as *swarajya* his object is to obtain for Indians an increased and gradually increasing share of political authority and to subject the administration of the country to the control of the people or peoples of India. I am of opinion that the advocacy of such an object is not *per se* an infringement of the law, nor has the learned Advocate General contended otherwise.

I wish to be understood as confining these last observations

to the case which we have before us and to the object which, as I have explained, these speeches seem to me to pursue. I desire to guard myself from being supposed to say that the advocacy of *swarajya* is in all cases permissible. That is a point upon which it is not necessary now to pronounce an opinion and upon which I refrain from pronouncing an opinion. For, as I understand it, the word *swarajya* may have a dozen different meanings in the mouths of as many speakers. The remarks which I have made are applicable only to the object aimed at in these speeches, as I have already defined that object.

We must now turn to the actual language employed by the applicant, noting especially the methods which the speaker advocates for ensuring the political changes which he seeks. First it is a matter for observation that he formally and expressly repudiates all intention of sedition. That of course is by no means conclusive. But it is a fact to be considered along with other facts. For I am bound to say that a candid reading of the whole speeches does not convince me that the repudiation of disloyalty is feigned or artificial. Now the intention to create disaffection must of course be proved, and following the usual rule that a man must be taken to intend the natural and probable consequences of his own acts, we must seek for the speaker's intention in the language which he has used.

In the course of the argument comments were made, and quite properly made, on the form of many expressions to be found in the addresses, this form being in many cases offensive or insulting in the personal sense. These matters, however, though they may convict the speaker of bad taste or bad temper, do not seem to me to go very far towards convicting him of a violation of the criminal law. Now it not being contended that the main object of the speaker's advocacy is in itself forbidden, we must see whether there is anything in the language used or the methods urged which fairly brings the applicant within the penal section. The answer must of course depend on the effect likely to be produced by the speeches on the minds of the hearers. Would that effect naturally and probably be to excite disaffection, as defined in the section, or to excite only such measure of disapprobation as is not forbidden by the law? The arguments which we have heard to assist us in answering this question are no doubt helpful. But it must be borne in mind that all such arguments necessarily concentrate upon certain selected passages, whereas the Court's aim is to decide upon the general effect of

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the speeches as a whole. Probably the fairest way to ascertain that effect is to read the three speeches from beginning to end quietly and attentively, remembering the arguments and remembering the politically ignorant audience whom Mr. Tilak was addressing. I have so read these speeches not once, but several times, and the impression left on my mind is that on the whole, despite certain passages which are rightly objected to by the prosecution, the general effect would not naturally and probably be to cause disaffection, i.e., hostility or enmity or contempt, but rather to create a feeling of disapprobation of the Government, for that it delays the transference of political power to the hands of those whom the speaker designates as 'the people'. For this conclusion I can only appeal to the general purport of all the three speeches as a whole. They cover 34 pages of print, and of course I cannot set them out in *extenso* in this judgment. I must, therefore, perforce refer to particular passages of particular consequence. But I wish it to be understood that my decision is based not on particular passages, but upon the general effect.

I proceed now to cite a few passages in order to show what in the speaker's own language is the meaning of that *swarajya* which he was advocating to his audience. He tells them: "But however good may be the arrangement made by other people, still it is not the case that he who wants to have the power to make this arrangement always approves of it. This is the principle of *swarajya*. If you got the powers to select your Collector, it cannot be said with certainty that he would do any more work than the present Collector. Perhaps he may not do. He may even do it badly. I admit this. ... To put it briefly, the demand that the management of our affairs should be in our hands is the demand for *swarajya* ..... If you carry on such an effort now for five or twenty-five years, you will never fail to obtain its fruit."

This passage is important as showing that the speaker does not expect that the political change which he advocates is to come suddenly or by a stroke of the pen. In other passages he uses the following language: "Confer those powers upon the people so that they may duly look to their domestic affairs. We ask for *swarajya* of this kind. This *swarajya* does not mean that the English Government should be removed, the Emperor's rule should be removed and the rule of some one of our native states should be established in its place. ... But we must do those things which relate to

business, trade, religion and society. Unless the power of doing those things comes partially into our hands in the end it must come fully—unless it comes fully into our hands, it is impossible for us to see a time of plenty, the dawn of good fortune, advantage of prosperity. Water cannot be drunk with others' mouths. We ourselves have to drink it. ... The first duty is, take a portion of this authority into your possession, it does not matter if you take a little portion of it.... New King is not wanted. But give into our possession a portion of the powers by losing which our condition is being reduced to that of 'orphans.'" The above passages show the nature of the demand made. With this demand as a political theme I have of course no concern whatever, and I decline to say a word upon the subject. My concern is to say only that as a Judge I find nothing in it that offends against the law.

Passing now to an enquiry as to the methods advocated for securing the result proposed, I set out the following excerpts as indicating the speaker's general views: "It is an undisputed fact that we should secure our own good under the rule of the English people themselves, under the supervision of the English nation, with the help of the English nation, through their sympathy, through their anxious care and through those high sentiments which they possess. ... In this manner good management is to be asked for in this administration. Amendment is to be brought about in the present law; it is to be brought about through Parliament. We will not ask for it from others. We have not to get this demand complied with by petitioning France. The Allies may be there, we have not to petition them. The petition is to be made to the English people, to the English Parliament..... Owing to the war which is now going on in Europe, it has begun to be thought that unless all the many parts of the British Empire unite together that Empire would not attain as much strength as it should. It has so happened now that a consciousness has been awakened in them that they stand in need of aid from other countries called colonies belonging to them—Australia, Canada and New Zealand which are inhabited by Sahebs. If you take advantage of this awakened consciousness, you too have this opportunity of acquiring some rights. No one tells you to obtain these rights by the use of the sword. But today the nation's mind has undergone a change. India can give some help to England. If India be happy, England too will acquire a sort of glory, a sort of

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A. CR. J. strength and a sort of greatness. This consciousness has  
 1916 been awakened in England. ... On the day on which you will  
 — be ready to do this—particularly in these days after the war  
 EMPEROR is over—the administration shall have to be changed in some  
 v. respects at least. ... I do not say to any of you that you  
 BAL G. TILAK should do unlawful things in order to acquire these rights.  
 — Batchelor J. There is a lawful way.”

In all these passages which I have cited as fairly typical of the speeches, as fairly exemplifying the speaker's general drift, not only is there nothing illegal, but there is a distinct pleading that the political changes advocated should be obtained by lawful and constitutional means.

I need not lengthen this judgment by reference to the large mass of arguments used. It is enough to say that in my opinion the bulk of these arguments are free from legal objection and I notice as among such arguments the contentions that Indian administrators govern native states without complaint; that in British India British Officials are paid too highly, and Indians, though they are free to discuss, have no effective control over finance or policy; that the present officials being in fact alien by race, though able and industrious men, do not readily understand the needs of the people. Now all this may be politically wise or politically foolish. With that I say again I have no concern. But it is in my judgment fair political criticism, not obnoxious to s. 124A. Yet it is arguments such as these which form the bulk of these three addresses and the applicant is entitled to be judged rather by his general tenor and purport than by any selected passages. It must also in fairness to the applicant be stated that these speeches are not all mere condemnation. In one passage of the speech of the 31st May 1916 he says, speaking of the Government and of the material improvements which the Government has made in the country: “I do not say that these things have not been done, done well and have been done better by the British Government than they would have been done by the former Governments; this is an honour to them. But should we not tell it to do those things which it does not do.”

If matters rested here, the applicant's defence would, in my opinion, be very strong. Unfortunately matters do not rest here, and there are two or three passages which undoubtedly, as they stand, are to my mind impossible of justification. Nor has Mr. Tilak's learned counsel made any substantial or successful attempt to justify them. If these passages stood

alone, or if I could bring myself to think that they fairly reflected the speaker's general meaning, I should feel bound to confirm the Magistrate's order. I do not intend to give these offensive passages further publicity by repeating them in this judgment. I shall sufficiently identify them by saying that one passage, occurring in the first speech, refers to keeping Indians in a position of slavery or servitude, and another passage in the second speech describes the Government as an alien Government looking mainly to its own interest. In my mind the only real difficulty in this case has been to decide whether these passages alone can properly be used as affording sufficient ground for the learned Magistrate's order.

Upon the best consideration that I can give to this difficult question and having regard to the whole tenor of the speeches I think that the answer should be in the applicant's favour. I think so not because these passages in themselves can be justified, but because their obvious objectionableness is somewhat mitigated by the context of the arguments in which they occur, and because I do not regard them as fairly characterising the general effect of the speeches as a whole. There is no reason to think that, in these long speeches delivered orally, these particular passages, which occupy no specially prominent place in the addresses, would specially impress themselves on the minds of the audience so as to override the general effect. That general effect is not, I think, shown to exceed the limits of fair criticism as defined in Explanations 2 and 3 of s. 124A.

On these grounds I am of opinion that the rule should be made absolute, the order under revision being set aside. The bonds, if they are executed, must be cancelled and discharged.

SHAH J.—This is an application for revising an order made by the District Magistrate of Poona. The order is made in proceedings taken under s. 108, Criminal Procedure Code, against the petitioner, and directs him to enter into a bond in a sum of Rs. 20,000, with two sureties, each in a sum of Rs. 10,000, to be of good behaviour for a period of one year.

The information under s. 108, Criminal Procedure Code, against the petitioner was that he had orally disseminated seditious matter, that is, matter, the publication of which was punishable under s. 124A of the Indian Penal Code, by making these speeches on the subject of *Swarajya* or Home Rule, one at Belgaum on the 1st May, and the other two at Ahmednagar on the 31st May and 1st June last.

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The learned District Magistrate has come to the conclusion that these speeches contain matter, the publication of which is punishable under s. 124A, Indian Penal Code, and the order in question is based on this conclusion.

The principal question to be decided on this application is whether the matter complained of is such that its publication is punishable under s. 124A, Indian Penal Code. At the outset it may be mentioned that no objection is taken to the main theme of the lectures, viz., *Swarajya* or Home Rule for India on behalf of the Crown, nor is it suggested that the word *Swarajya* is used in any offensive sense in these speeches. The learned Advocate-General has contended before us, as it was contended before the lower Court, that the matter disseminated by the petitioner is seditious on account of the remarks made in various parts of his speeches imputing dishonest and corrupt motives to Government by law established in British India.

It has been argued that the lower Court is wrong in holding that disaffection within the meaning of s. 124A means "absence of affection." The learned District Magistrate purports to quote the words of Mr. Justice Strachey. But it seems to me that in view of the observations of the Full Bench consisting of Farran C. J., Candy and Strachey JJ. in the case of *Queen-Empress v. Bal Gangadhar Tilak* <sup>(1)</sup> and of the judgments in *Queen-Empress v. Ramchandra Narayen* <sup>(2)</sup> it is clear that disaffection does not mean absence of affection. The section, as it stood, when these cases were decided, was repealed in 1898, and the present s. 124A was substituted for it. The first explanation to the section seems to indicate that disaffection cannot mean absence of affection within the meaning of the section. I agree on this point with the observations of Mr. Justice Batty in the case of *Emperor v. Bhaskar* <sup>(3)</sup>. The learned Advocate-General does not contend otherwise; and the point is not of any practical importance in the case.

There has been some argument as to the meaning of the expression 'Government established by law in British India': and the observations of Mr. Justice Strachey in *Tilak's case* and Mr. Justice Batty in *Bhaskar's case* on this point have been referred to. For the purposes of this case, it seems to me to be sufficient to state that the expression would mean the various Governments constituted by the statutes relating to the Government of India now consolidated into the Government of India Act of 1915

(1) (1897) I. L. R. 22 Bom. 112, 151.

(3) (1906) 8 Bom. L. R. 421, 437.

(2) (1897) I. L. R. 22 Bom. 152.

( 5 & 6 Geo. V, c. 61 ) and would denote the person or persons authorised by law to administer Executive Government in any part of British India. Mr. Jinnah has argued that all the criticism directed against the Indian Civil Service, generally described as 'bureaucracy' in the speeches, cannot under any circumstances be treated as criticism against the Government by law established in British India. I am unable to accept this argument. It may be that the various services under the control of the Government by law established in British India do not form part of the Government within the meaning of the section: and it may be that the criticism directed against any of the services is not necessarily criticism of the Government by law established in British India. But the feelings, which it is the object of s. 124 A to prohibit, may be excited towards the Government in a variety of ways; and it seems to me that it is possible to excite such feelings towards the Government by an unfair condemnation of any of its services. Whether in a particular case the condemnation of any service is sufficient to excite any feeling of hatred or contempt or disaffection towards Government by law established in British India, must depend upon the nature of the criticism, the position of the service in the administration and all the other circumstances of that case. It would be a question of fact to be determined in each case with reference to its circumstances. But as a matter of law it cannot be said that the condemnation of a particular service under the Government by law established in British India can never be sufficient to excite any of the feelings prohibited by s. 124 A towards such Government.

I now come to the question as to whether the publication of the matter contained in these speeches is punishable under s. 124 A. It is quite clear that the speaker must not bring or attempt to bring into hatred or contempt, or excite or attempt to excite disaffection towards His Majesty or the Government established by law in British India; and it is also clear that even in the case of comments falling under Explanation 2 or 3 of the section, this essential condition must be observed. In the present case Mr. Jinnah has laid great emphasis on the fact that throughout the speeches, the speaker has expressed his loyalty to His Majesty. But this cannot avail him. He is not charged with exciting disaffection towards His Majesty. The Crown case is that he has attempted to bring into hatred or contempt or to excite dis-

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affection towards the Government established by law in British India; and it is no answer to this charge to say that he has expressed his loyalty to His Majesty.

The speeches in question were delivered in Marathi and are very long. It is necessary to determine the intention of the speaker in delivering these speeches. The intention must be gathered primarily from the language used; and if on reading the speeches, the reasonable and natural and probable effect of the speeches on the minds of those to whom they were addressed, appears to be that feelings of hatred, contempt or disaffection would be excited towards the Government, the petitioner's case must fail. The question, therefore, is one of determining the reasonable, natural and probable effect of the speeches taken as a whole on the minds of those to whom they were addressed. I have read these speeches for myself. They have been fully discussed on both sides, and various passages have been referred to. I do not consider it necessary to deal with these passages in detail. The speeches must be read as a whole "in a fair, free and liberal spirit". In dealing with them one "should not pause upon an objectionable sentence here or a strong word there". They should be dealt with "in a spirit of freedom" and "not viewed with an eye of narrow criticism." The case should be viewed "in a free, bold, manly, and generous spirit" towards the petitioner: see *Reg. v. Burns*<sup>(1)</sup>. In the present case it is clear from the various passages in the speeches that the avowed object of the petitioner was to create a public opinion in favour of Home Rule for India, and to induce the hearers to join the Home Rule League. It is also clear from the speeches that he did not advocate for the achievement of his object any means other than strictly constitutional means. Under these circumstances it is clear that in determining the general effect of the speeches care should be taken not to attach undue importance to the objectionable passages. Undoubtedly there are some objectionable passages in these speeches. Particularly the references to the condition of slavery, and to the alien character of the rule are unfair and improper. It seems to me, however, that the petitioner is entitled to the benefit of the argument that the general effect of the speeches taken as a whole should be considered, as that would be the impression left on the minds of the hearers. It is possible that different minds might estimate this effect differently. Under the

(1) (1886) 16 Cox 355, 362.

circumstances, I have done my best to consider the passages in the speeches in favour of the petitioner on the one hand and in favour of the Crown case on the other, and to estimate their effect. I am unable to say that the natural and probable effect of the speeches taken as a whole on the minds of those to whom they were addressed, would be to bring into hatred or contempt, or to excite disaffection towards, the Government established by law in British India. I am not, therefore, prepared to hold that the matter disseminated by the petitioner is seditious within the meaning of s. 108, cl. (a), Criminal Procedure Code. I do not ignore the fact that there are some passages, which, if they stood by themselves, might justify the inference against the accused. But their effect in the course of long speeches orally delivered is a different matter.

The learned Advocate General has attempted to save the order by urging that even if the publication of the matter be not punishable under s. 124A on account of the criminal intent of the petitioner not being established, the Court could still make an order under s. 108, Criminal Procedure Code, and that this is a fit case for making the order contemplated by the section. He has relied upon the case of *Sital Prasad v. Emperor*<sup>(1)</sup>. But it seems to me that it is essential under s. 108, cl. (a), that the matter disseminated must be shown to be seditious. The words of the section are clear and must be given effect to. I do not think that this view renders s. 108 of the Criminal Procedure Code unnecessary. It seems to me that the section affords an additional remedy to the Crown which may be more appropriate in certain cases than an actual prosecution on a charge under s. 124A. I am unable to follow *Sital Prasad's case* in view of the clear words of the section.

I, therefore, concur in the order proposed by my learned brother.

*Rule made absolute.*

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(1) (1915) I. L. R. 43 Cal. 591.